

FEDERAL REGISTER

THE NATIONAL ARCHIVES
OF THE UNITED STATES
1934

VOLUME 13 NUMBER 81

Washington, Saturday, April 24, 1948

TITLE 3—THE PRESIDENT

PROCLAMATION 2781

NATIONAL MARITIME DAY, 1948

BY THE PRESIDENT OF THE UNITED STATES
OF AMERICA

A PROCLAMATION

WHEREAS the restoration of commerce between nations, which was interrupted by the war, is of the greatest importance to the economic welfare of our country and of the world at large, as well as to the continuance of free government; and

WHEREAS the American Merchant Marine is contributing immeasurably to that objective by effecting the transportation of needed goods overseas, thus serving the ends of democracy in peace as it did in war; and

WHEREAS it is the considered policy of the United States, as expressed in the Merchant Marine Act of 1936, to develop and maintain a Merchant Marine adequate for the requirements of our trade and our national defense; and

WHEREAS the sailing of the *Savannah* on May 22, 1819, from Savannah, Georgia, on the first successful transoceanic voyage under steam propulsion constituted a significant milestone in the advancement of ocean transportation; and

WHEREAS by joint resolution approved May 20, 1933 (48 Stat. 73) the Congress designated May 22 as National Maritime Day and authorized and requested the President to issue annually a proclamation calling upon the people of the United States to observe that day;

NOW THEREFORE, I, HARRY S. TRUMAN, President of the United States of America, do hereby proclaim Saturday, May 22, 1948, as National Maritime Day and I urge the people of the United States to observe that day by displaying the flag of the United States at their homes or other suitable places, and I direct the officials of the Government to display the flag on that day on all Government buildings. I also request that all ships sailing under the American flag dress ship on National Maritime Day.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the City of Washington this 22nd day of April in the year of our Lord nineteen hundred and [SEAL] forty-eight, and of the Independence of the United States of America the one hundred and seventy-second.

HARRY S. TRUMAN

By the President:

ROBERT A. LOVETT,
Acting Secretary of State.

[F. R. Doc. 48-3753; Filed, Apr. 23, 1948;
11:00 a. m.]

PROCLAMATION 2782

SUPPLEMENTING PROCLAMATIONS OF DECEMBER 16, 1947 AND JANUARY 1, 1948, CARRYING OUT GENERAL AGREEMENT ON TARIFFS AND TRADE AND EXCLUSIVE TRADE AGREEMENT WITH CUBA, RESPECTIVELY

BY THE PRESIDENT OF THE UNITED STATES
OF AMERICA

A PROCLAMATION

WHEREAS (1) pursuant to the authority conferred by section 350 of the Tariff Act of 1930, as amended by section 1 of the Act of June 12, 1934, by the Joint Resolution approved June 7, 1943, and by sections 2 and 3 of the Act of July 5, 1945 (48 Stat. 943 and 944, ch. 474, 57 Stat. 125, ch. 118, 59 Stat. 410 and 411, ch. 269; 19 U. S. C. (1946) 1351), the period within which said authority may be exercised having been extended by section 1 of said Act of July 5, 1945 until the expiration of three years from June 12, 1945 (48 Stat. 944, ch. 474, 59 Stat. 410, ch. 269; 19 U. S. C. (1946) 1352 (c)), on October 30, 1947 the President entered into a trade agreement with the Governments of the Commonwealth of Australia, the Kingdom of Belgium, the United States of Brazil, Burma, Canada, Ceylon, the Republic of Chile, the Republic of China, the Republic of Cuba, the Czechoslovak Republic, the French Republic, India, Lebanon, the Grand Duchy of Luxembourg, the Kingdom of the Netherlands, New Zealand, the Kingdom of Norway, Pakistan, Southern Rhodesia, Syria, the Union of South Africa, and the United Kingdom of Great Britain and Northern Ireland, which trade agree-

(Continued on p. 2213)

CONTENTS

THE PRESIDENT

Proclamations	Page
General agreements on tariffs and trade and exclusive trade agreement with Cuba; supplementing Proclamations of Dec. 16, 1947, and Jan. 1, 1948	2211
National Maritime Day, 1948	2211
Executive Order	
Reemployment rights of Federal civilian employees who transferred to public or private agencies for national-defense or war work; termination	2214

EXECUTIVE AGENCIES

Agriculture Department	
Proposed rule making:	
Handling:	
Grapes, Emperor, in California	2224
Milk in Tri-State marketing area	2232
Peaches, fresh, in Georgia (2 documents)	2229, 2231
Lemons in California and Arizona; expenses and rate of assessment for 1947-48 fiscal year	2229
Tobacco inspection; designation of auction markets at Hughesville, La Plata, Upper Marlboro, and Waldorf, Md.	2224
Rules and regulations:	
Limitation of shipments:	
California and Arizona:	
Lemons (2 documents)	2218
Oranges	2219
Alien Property, Office of	
Notices:	
Vesting orders, etc.	
American M. A. N. Corp.	2245
Broschko, Jordan	2244
Eganoff, Mrs. Susanna	2242
Eggers, Emma	2244
Equitable Office Building Corp.	2241
Iitsuka, Roy	2243
Lehmann, Lisette, et al.	2243
Mitteldeutsche Montanwerke Gesellschaft Mit Beschränkter Haftung	2241
Monks, John P.	2245
Nakandakari, Kiyoshi, et al.	2244



Published daily, except Sundays, Mondays, and days following official Federal holidays, by the Division of the Federal Register, the National Archives, pursuant to the authority contained in the Federal Register Act, approved July 26, 1935 (49 Stat. 500, as amended; 44 U. S. C., ch. 8B), under regulations prescribed by the Administrative Committee, approved by the President. Distribution is made only by the Superintendent of Documents, Government Printing Office, Washington 25, D. C.

The regulatory material appearing herein is keyed to the Code of Federal Regulations, which is published, under 50 titles, pursuant to section 11 of the Federal Register Act, as amended June 19, 1937.

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CONTENTS—Continued

Army Department	Page
Rules and regulations:	
Oregon, public land order affecting.....	2220
Atomic Energy Commission	
Rules and regulations:	
Fissionable material; Uranium 233	2220
Civil Aeronautics Board	
Proposed rule making:	
Fuel reserve, adequate, for IFR flights.....	2232
Pilot physical examinations prior to examinations and tests	2232
Civil Service Commission	
Rules and regulations:	
Retirement.....	2214

CONTENTS—Continued

Federal Communications Commission	Page
Notices:	
Hearings, etc..	
Baltimore, Louis G., and Wyoming Valley Broadcasting Co.....	2237
Eugene Broadcast Station (KORE)	2236
Foulkrod Radio Engineering Co. (WTEL)	2237
Grand Haven Broadcasting Co. and Greater Muskegon Broadcasters, Inc. (WMUS)	2237
Mackay Radio and Telegraph Co., Inc., and RCA Communications, Inc.....	2237
McClatchy Broadcasting Co. (KERN)	2236
Mosby's, Inc. (KANA)	2238
New England Television Co., Inc., et al.....	2237
Radio New Orleans, Inc.....	2237
Radiomarine Corp. of America.....	2238
Ridson, Inc. (WDSM)	2236
Licenses issued to Civil Air Patrol, modification.....	2236
Rules and regulations:	
Industrial, scientific and medical service; electrical welding devices using radio frequency energy	2223
Organization, practice and procedure (Corr.)	2223
Federal Power Commission	
Notices:	
Delaware Power & Light Co., hearing	2239
Federal Trade Commission	
Rules and regulations:	
Cease and desist order; Sheffield Farms Co., Inc.....	2220
Interior Department	
See also Bureau of Land Management.	
Rules and regulations:	
Bureau of Land Management; delegations of authority to Director in specified matters.....	2222
Land Management Bureau	
Notices:	
Alaska; shore space restoration (3 documents)	2233, 2234
Restoration of lands to public entry.....	
California (2 documents)	2234, 2235
Florida	2235
Rules and regulations:	
Alaska; coal permits or leases, issuance.....	2223
Oregon; revocation of withdrawal of public lands for use of War Department as camp site	2222
Organization and procedure; delegation of authority.....	2222
Narcotics Bureau	
Proposed rule making:	
Isoamidone (Corr.)	2224
Securities and Exchange Commission	
Notices:	
Hearings, etc..	
Consolidated Natural Gas Co.....	2240

CONTENTS—Continued

Securities and Exchange Commission—Continued	Page
Notices—Continued	
Hearings, etc.—Continued	
Minneapolis Gas Light Co.....	2240
Mississippi Power Co.....	2230
Wage and Hour Division	
Rules and regulations:	
Puerto Rico Special Industry Committee No. 5; recommendations for minimum wage rates:	
Hooked rug industry.....	2222
Wholesaling, warehousing, distribution and allied industries.....	2221
CODIFICATION GUIDE	
A numerical list of the parts of the Code of Federal Regulations affected by documents published in this issue. Proposed rules, as opposed to final actions, are identified as such.	
Title 3—The President	Page
Chapter I—Proclamations:	
2761A (see Proc. 2782)	2211
2764 (see Proc. 2782)	2211
2769 (see Proc. 2782)	2211
2781	2211
2782	2211
Chapter II—Executive orders:	
Nov. 28, 1911 (see Bureau of Land Management Misc. 23254)	2235
Feb. 17, 1912 (see Bureau of Land Management Misc. 16390)	2234
4949 (see PLO 468)	2223
9526 (see PLO 467)	2222
9952	2214
Title 5—Administrative Personnel	
Chapter I—Civil Service Commission:	
Part 29—Retirement.....	2214
Title 7—Agriculture	
Chapter I—Production and Marketing Administration (Standards, Inspections, Marketing Practices)	
Part 29—Tobacco inspection (proposed)	2224
Chapter IX—Production and Marketing Administration (Marketing Agreements and Orders)	
Proposed rule making.....	2224
Part 953—Lemons grown in California and Arizona (2 documents)	2218
Proposed rule making.....	2220
Part 962—Fresh peaches grown in Georgia (proposed) (2 documents)	2220, 2231
Part 966—Oranges grown in California and Arizona.....	2210
Part 972—Milk in Tri-State marketing area (proposed)	2232
Title 10—Army	
Chapter V—Military Reservations and National Cemeteries:	
Part 501—List of Executive orders, Proclamations and public land orders affecting military reservations	2220

CODIFICATION GUIDE—Con.

Title 11—Atomic Energy	Page
Chapter I—Atomic Energy Commission:	
Part 70—Definition of fissionable material.....	2220
Title 14—Civil Aviation	
Chapter I—Civil Aeronautics Board:	
Part 20—Pilot certificates (proposed)	2232
Part 22—Lighter-than-air pilot certificates (proposed).....	2232
Part 43—General operation rules (proposed).....	2232
Title 16—Commercial Practices	
Chapter I—Federal Trade Commission:	
Part 3—Digest of cease and desist orders.....	2220
Title 21—Food and Drugs	
Chapter I—Food and Drug Administration, Federal Security Administration:	
Part 2—Regulations for the enforcement of the Federal Food, Drug, and Cosmetic Act (proposed)	2224
Title 29—Labor	
Chapter V—Wage and Hour Division, Department of Labor:	
Part 683—Minimum wage rate in the wholesaling, warehousing and other distribution industries in Puerto Rico.....	2221
Part 684—Minimum wage rates in the hooked rug industry in Puerto Rico.....	2222
Title 43—Public Lands: Interior	
Subtitle A—Office of the Secretary of the Interior:	
Part 4—Delegations of authority.....	2222
Chapter I—Bureau of Land Management, Department of the Interior:	
Part 50—Organization and procedure.....	2222
Appendix—Public land orders:	
11 (revoked by FLO 467).....	2222
467.....	2222
468.....	2223
Title 47—Telecommunication	
Chapter I—Federal Communications Commission:	
Part 1—Organization, practice and procedure.....	2223
Part 18—Industrial, scientific and medical service.....	2223

ment consists of the General Agreement on Tariffs and Trade and the related Protocol of Provisional Application thereof, together with the Final Act Adopted at the Conclusion of the Second Session of the Preparatory Committee of the United Nations Conference on Trade and Employment which authenticated the texts of said general agreement and said protocol;

WHEREAS (2) on December 16, 1947, by Proclamation 2761A the President proclaimed such modifications of existing duties and other import restrictions of the United States of America and such continuance of existing customs or excise treatment of articles imported into the

United States of America as were then found to be required or appropriate to carry out said trade agreement on and after January 1, 1948 (12 F. R. 8866), which proclamation has been supplemented by Proclamation 2769 of January 30, 1948 (13 F. R. 467),

WHEREAS (3), pursuant to the authority conferred by said section 350, the period within which said authority may be exercised having been so extended, on October 30, 1947 the President entered into an exclusive trade agreement with the Government of the Republic of Cuba (T. D. 51819 (Customs)), which exclusive trade agreement includes certain portions of other documents made a part thereof and provides for the customs treatment in respect of ordinary customs duties of products of the Republic of Cuba imported into the United States of America;

WHEREAS (4) on January 1, 1948 by Proclamation 2764 the President proclaimed such modifications of existing duties and other import restrictions of the United States of America in respect of products of the Republic of Cuba and such continuance of existing customs

and excise treatment of products of the Republic of Cuba imported into the United States of America as were then found to be required or appropriate to carry out said exclusive trade agreement on and after January 1, 1948 (13 F. R. 25 and 26), which proclamation has been supplemented by said proclamation of January 30, 1948;

WHEREAS (5) said protocol of provisional application has been signed by the Government of the Czechoslovak Republic, and said Government has become a contracting party to said general agreement;

WHEREAS (6) I, Harry S. Truman, President of the United States of America, determine that the application of such of the concessions provided for in part I of schedule XX of said general agreement which were withheld from application in accordance with article XXVII of said general agreement by said proclamation of December 16, 1947 as are identified in the following list is required or appropriate to carry out, on and after April 21, 1948, said trade agreement specified in the 1st recital of this proclamation:

Item (paragraph)	Rates of duty
212 [second].....	10¢ per doz. and 45% ad val.
217.....	½¢ per lb.
218 (b) [first].....	32½¢ ad val.
218 (c).....	All rates
218 (e) [first].....	12½¢ ad val. 50% ad val. 37½¢ ad val.
218 (e) [second].....	37½¢ ad val.
218 (f).....	30% ad val. 50% ad val. 50¢ on each article or utensil, but not less than 30% nor more than 50% ad val., identified only as to articles or utensils valued at less than 61 each
218 (g).....	25% ad val.
230 (d).....	40% ad val.
339.....	2½¢ per lb. and 7½% ad val.
348.....	All rates
350.....	22½¢ ad val.
397.....	40% ad val.
412 [second].....	40% ad val.
412 [third].....	30% ad val.
412 [sixth].....	17½¢ ad val. 25% ad val.
710.....	3½¢ per lb., but not less than 17½% ad val. [second such rate]
780 [first].....	12¢ per lb.
780 [second].....	78¢ per lb.
909 [first].....	22½¢ per lb., but not less than 20% nor more than 35% ad val.
909 [third].....	22½¢ per lb., but not less than 20% nor more than 35% ad val.
911 (a).....	22½¢ per lb., but not less than 20% nor more than 35% ad val.
911 (b) [first].....	20% ad val.
915.....	61.50 per doz. pairs, but not less than 30% nor more than 60% ad val.
1309 [second].....	All rates
1413 [fifth].....	17½¢ ad val.
1503 [first].....	27½¢ ad val.
1503 [second].....	17½¢ ad val.
1503 [third].....	All rates
1503 [fourth].....	37½¢ ad val.
1503 [fifth].....	22½¢ ad val.
1510 [first].....	¾¢ per line per gross and 12½% ad val.
1510 [third].....	22½¢ ad val.
1513 [first].....	45% ad val.
1513 [second].....	50% ad val. [first such rate] 35% ad val. [first such rate] 50% ad val. [second such rate]
1518 [fourth].....	60% ad val. 45% ad val.
1527 (c) (1) and (2).....	55% ad val. [first such rate] 65% ad val.
1528 [third].....	10% ad val.
1528 [fourth].....	30% ad val.
1530 (e) [first].....	20% ad val. [first such rate] 10% ad val. [first such rate] 20% ad val. [second such rate]
1530 (e) [second].....	20% ad val.

Directive No. X as amended by Directive No. XVI of the War Manpower Commission (7 F. R. 7298, 11050), or under regulations of the Civil Service Commission issued pursuant thereto shall expire at the end of the six months period following the date of this order unless application for reemployment under such rights shall have been made before the end of such six months period.

2 This order shall not affect reemployment rights heretofore or hereafter acquired under Executive Order No. 9711 of April 11, 1946, No. 9721 of May 10, 1946, No. 9862 of May 31, 1947, or No. 9932 of February 27, 1948.

3 The Civil Service Commission is authorized to prescribe such rules and regulations and to establish such procedures as may be necessary for the administration of this order.

HARRY S. TRUMAN

THE WHITE HOUSE

April 22, 1948

[F. R. Doc. 48-3752; Filed Apr. 23, 1948; 10:36 a. m.]

TITLE 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 29—RETIREMENT

Part 29 is revised and amended to read as follows:

Sec	Administration
29.1	Evidence
29.2	Applications
29.3	Time for filing applications
29.4	Disability retirement; medical examination
29.5	Effective date of retirement
29.6	Computation of interest
29.7	Military service
29.8	Designation of beneficiary
29.9	Designation of agent
29.10	Disclosure of information
29.11	Joint and survivorship annuities
29.12	Making of voluntary deposits
29.13	Purchase of additional annuity
29.14	Appeals
29.15	Basic records
29.101	

AUTHORITY: §§ 29.1 to 29.15 inclusive, issued under sec. 17, 46 Stat. 478; 5 U. S. C. 709 § 29.101, issued under sec. 12 (a), 46 Stat. 476; 5 U. S. C. 724.

§ 29.1 *Administration* (a) The Commission shall have charge of the adjudication of all claims arising under the retirement laws and of all matters directly

and in subdivision (a) other than exception (1) thereof, of said proclamation of December 16, 1947, including in each case any amendments and rectifications which have been proclaimed by the President to articles of the kinds provided for in the descriptions of products in the column at the left of said rates; and

(b) The second item 1527 (c) (2) shall be deleted from the list set forth in the 7th recital of said proclamation of January 30, 1948; and

PART II

To the end that said exclusive trade agreement specified in the 3rd recital of this proclamation may be carried out I do further proclaim that effective on and after April 21, 1948, the lists set forth in the 8th and 9th recitals of said proclamation of January 1, 1948, as amended and rectified shall be further amended in the manner indicated in the 8th recital of this proclamation.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the City of Washington this 22nd day of April in the year of our Lord nineteen hundred and forty-eight and of the Independence of the United States of America the one hundred and seventy-second

HARRY S. TRUMAN

By the President:

ROBERT A. LOVETT

Acting Secretary of State

[F. R. Doc. 48-3760; Filed Apr. 23, 1948; 11:53 a. m.]

EXECUTIVE ORDER 9952

TERMINATION OF REEMPLOYMENT RIGHTS OF FEDERAL CIVILIAN EMPLOYEES WHO TRANSFERRED TO PUBLIC OR PRIVATE AGENCIES FOR NATIONAL-DEFENSE OR WAR WORK

By virtue of the authority vested in me by the Civil Service Act (22 Stat. 403) and by section 1753 of the Revised Statutes of the United States it is hereby ordered as follows:

1. All existing reemployment rights to positions in the Federal service acquired under authority of Executive Order No. 8973 of December 12, 1941, Executive Order No. 9067 of February 20, 1942, or

Item (paragraph)	Rates of duty
1537 (b) [first]	\$1.50 per dozen pairs but not less than 12½% nor more than 25% ad val
1541 (a) [first]	\$2 each but not less than 20% nor more than 30% ad val
1541 (a) [third]	25% ad val
1541 (b) [first]	28% ad val
1541 (b) [second]	30% ad val
1544	All rates
1549 (a) [first]	15% ad val
1549 (a) [third]	50% per gross and 15% ad val
1549 (b)	50% per gross and 15% ad val
1718	Free

WHEREAS (7) I determine that in view of the determination set forth in the 6th recital of this proclamation the deletion of the second item 1527 (c) (2) from the list set forth in the 7th recital of said proclamation of January 30, 1948, is required or appropriate to carry out on and after April 21, 1948, said trade agreement specified in the 1st recital of this proclamation;

WHEREAS (8) I determine that in view of the determination set forth in the 6th recital of this proclamation the following amendments of the lists set forth in the 8th and 9th recitals of said proclamation of January 1, 1948, as amended and rectified are required or appropriate to carry out on and after April 21, 1948, said exclusive trade agreement specified in the 3rd recital of this proclamation:

(a) The deletion of the second item 1527 (c) (2) added to said 8th recital by subdivision (a) of part II of said proclamation of January 30, 1948;

(b) The modification of the third item 412 in said 9th recital to read as follows:

412 Manufactures of wood or bark or of which wood or bark is the component material of chief value not specially provided for: Clothespins other than spring clothespins ----- 20% ad val;

(c) The deletion of the first item 1513 in said 9th recital;

(d) The modification of the last item 1513 in said 9th recital to read as follows:

1513 Toys and parts of toys, not specially provided for (not including any toys described in item 1513 (second) of Part I of Schedule XX of the General Agreement on Tariffs and Trade): If wholly or in chief value of china porcelain parian bisque earthenware or stoneware ----- 28% ad val; Other ----- 56% ad val;

PART I

To the end that said trade agreement specified in the 1st recital of this proclamation may be carried out, I, Harry S. Truman, President of the United States of America, do proclaim that effective on and after April 21, 1948:

(a) The concessions provided for in part I of said schedule XX which are identified in the 6th recital of this proclamation shall no longer be identified in the 8th recital of said proclamation of December 16, 1947, and the rates of duty representing such concessions identified in said 6th recital of this proclamation shall be applied subject to the applicable terms, conditions and qualifications set forth in said schedule XX and parts I, II, and III of said general agreement

or indirectly concerned with such adjudication.

(b) In the adjudication of claims arising under the retirement laws, the Commission shall consider and take appropriate action on counterclaims filed by the Government as setoffs against amounts in the retirement fund involved.

§ 29.2 *Evidence.* (a) Civil Service Commission Form 2806 (Individual Retirement Record) shall be the basic record for action on all claims for annuity or refund, and those pertaining to deceased employees or annuitants.

(b) When loss or destruction or incompleteness of records in the Government offices concerned is shown, a request shall be made through the Commission to the General Accounting Office for such data as may be deemed necessary for a proper determination of the rights of the claimant. When the required information cannot be developed by any official record, inferior or secondary evidence then becomes admissible and should be requested.

§ 29.3 *Applications.* (a) All applications under the Retirement Act shall be filed with the Commission and shall be made on such forms as may be prescribed by the Commission.

§ 29.4 *Time for filing applications.* (a) An application for annuity on account of age or optional retirement may be filed shortly before or at any time after the employee reaches the requisite retirement age. If the department contemplates reemployment of the employee immediately following retirement, the application must be executed at least 60 days in advance of the separation date and submitted immediately to the Commission with a photo copy of Form 2806 or a complete résumé of the employee's service history, salary, and retirement deductions.

(b) An application for immediate or deferred annuity on account of voluntary or involuntary separation from the service should not be filed before the employee's separation nor more than 30 days prior to the commencing date of annuity.

(c) An application for retirement on account of disability must be executed by the employee prior to the applicant's separation from the service or within 6 months thereafter. This time limitation may be waived by the Commission in the cases of employees who are found to have been mentally incompetent at date of separation or within 6 months thereafter, the application in each such case to be filed with the Commission within one year from the date of restoration of any such person to competency or the appointment of a fiduciary, whichever is the earlier. This time limitation may also be waived by the Commission in the cases of employees who at date of separation or within 6 months thereafter are receiving hospital treatment, the application in each such case to be filed with the Commission within 6 months after April 1, 1948, or termination of such hospitalization, whichever is later.

Request or order by the department or other governmental agency for retirement of an employee for disability must

be filed prior to the employee's separation from service. If application for retirement is submitted on an inappropriate form, or on an appropriate form inadequately or incompletely executed, such application may be accepted as an informal claim.

(d) An application by or on behalf of a survivor of a deceased employee or annuitant may be filed at any time after the death of the employee or annuitant.

§ 29.5 *Disability retirement; medical examination.* (a) When an applicant for retirement on account of total disability has established a prima facie case and no legal grounds for rejection exist, such applicant shall be ordered to appear for a medical examination before a medical officer of the United States or a duly qualified physician or surgeon or board of physicians or surgeons designated by the Commission. When the application is accompanied by a report of examination already made by a medical officer of the United States, it may not be necessary to require another examination.

(b) When a medical examination made in compliance with the direction of the Commission shows that the annuitant has recovered and has been restored to an earning capacity which would permit him to be appointed to an appropriate position fairly comparable in compensation to the position occupied at the time of retirement, payment of the annuity shall be continued temporarily to afford the annuitant opportunity to seek such available position. In no case shall the continued payment of the annuity exceed one year from the date of the medical examination showing recovery. If the annuitant shall be reemployed in the Government service within the one year, the annuity shall be discontinued at the close of the day preceding the date of such reemployment.

(c) The Commission, where it appears in any particular case that the nature of the disability is such as to warrant the conclusion that it will continue for a certain period, may, in the exercise of its authority, waive the requirement for regular annual examinations for the period during which there is reasonable expectation of continuation of the disability, but in any case a medical or other examination may be ordered at any time to determine the facts relative to the nature and degree of disability of any employee thus retired.

(d) If the evidence shows that the disability is permanent in character, further examination shall not be ordered, unless warranted, and the annuitant shall be notified accordingly.

§ 29.6 *Effective date of retirement.* (a) When an employee reaches retirement age on any day within a month, his annuity shall commence on the first day of the succeeding month. The employee will not be subject to automatic separation until the end of the month in which such age is attained, and credit for service shall be given for the period between the date of reaching retirement age and the beginning date of annuity. The head of the employing agency must notify each such employee regarding the fact of separation at least 60 days in advance thereof, but, should the agency

head fail, through error, to give timely notification, the employee may not be separated without his consent until the end of the month in which such 60-day notice expires.

(b) When an employee retires on account of disability, the annuity shall commence on the first day of the month succeeding the termination of pay status, or on the first day of any subsequent month, as the case may warrant. In such cases, credit for service may be given for the period between the termination of pay status and the beginning date of annuity if the employee is carried on the rolls of the department during such time.

(c) In cases of optional retirement, or retirement because of involuntary separation after 25 years of service, the annuity shall commence on the first day of the month following separation, or it may start the first day of the month following termination of pay status provided such pay ceased after April 1, 1948, and the employee met the age and service requirements at the end of the month in which pay ceased.

(d) In cases of discontinued service retirement, the annuity shall commence on the first day of the month following attainment of age 62, or the first day of the month following separation, whichever is later.

(e) The annuity payable under section 12 of the act of May 29, 1930, as amended, to a surviving widow or child shall commence on the first day of the month following the month in which the employee or annuitant dies or the first day of the month following the month in which eligibility for such annuity attaches, whichever is later.

§ 29.7 *Computation of interest.* (a) The computation of interest shall be on the basis of 30 days to the month. Interest will be computed for the actual time involved in each case, but whenever applicable the rule of average will obtain.

(b) In all cases, interest shall be allowed on current deductions, deposits, and redeposits at the rate of 4 percent to December 31, 1947, and 3 percent thereafter, compounded annually, through all periods of service. When an officer or employee subject to the Retirement Act is transferred to a position wherein he does not retain his retirement status, and is entitled to refund of deductions with interest, the interest will terminate with the last day of service in the former position; and when an employee becomes absolutely separated from the service before completing five years' civilian service, interest on deductions will terminate with the last day in service. A fractional part of a month in the total service in any calendar year shall be disregarded, and no interest shall be allowed unless the service covered by the refund aggregates more than one year. After an employee has completed five years or more of civilian service, interest for refund purposes will terminate with the last day in service.

(c) Service-credit deposits and redeposits made by potential annuitants separated from service after serving at least five years will draw interest at the rate of 3 percent, compounded annually,

during the separation period until beginning date of annuity.

(d) Interest at the rate of 3 percent, compounded annually, shall be allowed on voluntary deposits during periods of employment, and, after the employee has completed at least five years' civilian service, during periods of separation until beginning date of annuity; for refund purposes, interest will terminate with the last day in service.

§ 29.8- *Military service.* (a) Periods of honorable service in the Army, Navy, Marine Corps, Air Force, or Coast Guard of the United States shall, after the employee has completed five years' civilian service, be credited under the retirement law. The only exception occurs in case the employee is receiving retired pay awarded for reasons other than service-connected disability incurred in combat with an enemy of the United States or by explosion of an instrument of war.

(b) An applicant for annuity who is in receipt of retired pay as above indicated may elect to surrender such retired pay and to have his military service added to his period of civil service for the purpose of obtaining a greater benefit in the form of annuity. Should it appear upon the adjudication of a claim for annuity that the claimant will benefit by the inclusion of military service, and the relinquishment of benefit based thereon, he shall be so advised and permitted to exercise the right of election.

§ 29.9 *Designation of beneficiary.* (a) The designation, change, or revocation of beneficiary shall be in writing on the prescribed Form 2806-1, signed and acknowledged in the presence of two witnesses personally acquainted with the designator, neither of whom shall be named as beneficiary, and must be received in the Commission prior to the death of the designator.

(b) Any person, firm, corporation, or legal entity may be named as beneficiary.

(c) A revocation or change of beneficiary may be made at any time and without the knowledge or consent of the previous beneficiary. Alterations or insertions restricting the right to change or revoke a designation cannot be given any force or effect. No change or revocation of beneficiary in a last will or testament, or in any other document not witnessed and filed as required by the regulations of this part shall have any force or effect.

(d) Where a writing, other than Form 2806-1, signed by the designator and duly witnessed by two persons, is received in the Commission prior to the death of the designator, in which a clear and unambiguous revocation or change of designation of beneficiary is made in substantially the same manner as that provided on Form 2806-1, and the designator dies without confirming the change or revocation by the execution of the prescribed Form 2806-1, the revocation or change shall be given the same effect as if executed on Form 2806-1. *Provided, however,* That the Commission shall, upon receipt of said writing, forward a blank Form 2806-1 to the designator at the last address furnished by him for confirmation on that form of the previous writing, which shall become null and

void if (1) death occurs 60 days after the filing of the first form, and (2) if no confirmation is received on said Form 2806-1 within said period.

(e) A designation of beneficiary or a change or revocation of beneficiary may be made only by an employee subject to the act whose name is borne on the rolls of the department or independent establishment at the time of execution thereof, or by an annuitant, actual or potential.

§ 29.10 *Designation of agent.* In the case of a claim for amount due a deceased employee or annuitant where no beneficiary has been named and no executor or administrator has been appointed, but claim is made by next of kin, and if there be more than one entitled thereto, it shall be permissible for the others to designate the one who makes the claim to act as agent to receive their distributive shares.

§ 29.11 *Disclosure of information.* (a) (1) Files, records, reports, and other papers and documents pertaining to any claim filed with the Civil Service Commission, whether pending or adjudicated, will be deemed confidential and privileged, and no disclosure thereof will be made except as provided herein.

(2) Disclosure of information from the files, records, reports, and other papers and documents shall be made to a claimant or to his duly authorized representative in matters concerning himself alone when such disclosure would not be injurious to the physical or mental health of the claimant or be regarded as a breach of confidence.

Determination as to when disclosure of information would be injurious to the physical or mental welfare of a claimant will be made by the Medical Division.

(3) By "a duly authorized representative of a claimant" is meant any person who has satisfied the Commission of his authority to act.

(4) The name or address of a beneficiary designated by an employee or annuitant will, during the life of the employee or annuitant, be furnished only to the designator when request therefor is made in writing over the signature of the designator.

(5) Such information as may properly be disclosed to a claimant personally shall, in the event of his death, be disclosed upon proper request to the duly appointed representative of his estate, or to such person as may be designated by such representative, or to a duly designated beneficiary. Where no representative of the claimant's estate has been appointed, the claimant's next of kin shall be recognized as the representative of his estate.

(6) Where copies of documents or other records are desired by or in behalf of parties to a suit, whether in a court of the United States or in any other court, such copies shall be furnished to the court only, and on an order of the court or subpoena duces tecum, addressed to the President, U. S. Civil Service Commission, requesting the same.

(7) Where a process of a United States court or other court requires the production of documents or records contained in the retirement files of a claimant,

such documents will be produced in the court out of which the process has issued. Where original records are produced, they must remain at all times in the custody of a representative of the Civil Service Commission, and if offered or received in evidence, permission should be obtained to substitute a copy so that the original record may remain intact in the file.

(8) The address of a claimant as shown by the Civil Service Commission records may be furnished to duly constituted police or court officials upon proper request or the submission of a certified copy either of the indictment returned against the claimant or of the warrant for his arrest.

(9) Disclosure of the amount of annuity or refund to any claimant may be made to any National, State, county, municipal, or other publicly recognized charitable or social-security administrative agency.

(10) Subject to the limitation regarding name or address of a beneficiary, all records or documents officially required by any department or other agency of the United States Government shall be furnished in response to a proper request, and Senators and Representatives of the United States in their capacity as Members of Congress of the United States shall be furnished for their official use with such records, documents, or other information as may be requested for such use.

(11) Copies of papers, records, etc., the furnishing of which would be prejudicial to the interest of the Government; copies of reports of examining surgeons; or copies of records of departments and other confidential matters will not be furnished.

(b) Certificates of discharge, adoption papers, marriage certificates, decrees of divorce, letters testamentary or of administration, birth or baptismal records, family records, personal letters, diaries, and other personal papers or articles which may have been filed in a claim shall, when no longer needed in the settlement of such claim, be returned to the persons entitled thereto upon written request therefor; and whenever papers so returned constitute part of the material and essential evidence in a claim, photo or other copies of the same, or such parts thereof as may appear to possess evidential value, shall be retained in the case.

§ 29.12 *Joint and survivorship annuities.* (a) The option to receive joint and survivorship annuity may be exercised only by (1) a married male employee retiring under any provision (except section 7) of the act of May 29, 1930, as amended, who may designate his wife, or (2) an unmarried employee in good health retiring under any provision (except section 6 or 7) of the said act, who may designate a person having an insurable interest in him.

(b) Only a natural person may be designated as survivor annuitant under the joint and survivorship option. No more than one person may be named as survivor annuitant. The designation of a contingent survivor annuitant will not

be accepted, and any such designation shall be null and void.

(c) Communication of the choice of option shall be made over the signature of the applicant on Standard Form 101 for use in filing claim for annuity. Receipt of a communication as set forth in this paragraph shall constitute prima facie evidence of the existence of all the elements of an election. Whenever such prima facie evidence becomes conclusive by final adjudication of the claim by the Commission, an election shall have been made.

(d) In the event of death of the designated survivor annuitant or for other good cause shown prior to final adjudication of the claim by the Commission, a new survivor annuitant may be substituted or the employee may change his election of the type of annuity selected.

(e) In any case in which an election has been conclusively established pursuant to the regulations under this section, the election, including the designation of survivor annuitant, cannot be revoked or changed.

(f) The death of a designated survivor annuitant subsequent to the final adjudication of the claim, shall not operate to cancel the election, and payments to the former employee shall continue as though the death had not occurred.

(g) Where a married male employee upon retirement after April 1, 1948, chooses the joint and survivorship plan, the annuity to his surviving widow shall commence on the first day of the month in which the retired employee's death occurs or the first day of the month following the widow's attainment of age 50, whichever is later. In case of an unmarried employee who takes the joint and survivorship option, the annuity to his survivor shall commence on the first day of the month in which the retired employee's death occurs.

§ 29.13 Making of voluntary deposits.

(a) The option to make voluntary contributions to the civil-service retirement and disability fund for the purchase of additional annuity shall be limited to those employees serving within the purview of the Retirement Act and shall be made on the form prescribed by the Commission.

(b) No voluntary contributions shall be made by an employee who has not deposited or redeposited amounts covering all civilian service rendered by him since August 1, 1920.

(c) Each voluntary contribution shall be made in the amount of \$25 or multiple thereof, not to exceed 10 percent of aggregate annual basic salary, pay, or compensation received since August 1, 1920, by money order, draft, or check made payable to the Treasurer of the United States and forwarded to the U. S. Civil Service Commission, Washington 25, D. C.

(d) Voluntary contributions may be withdrawn only in case of transfer to a position wherein the member does not retain his status under the Retirement Act, absolute separation from the service prior to becoming eligible for retirement on annuity, or death.

(e) The Retirement Division of the Civil Service Commission shall maintain

the record and account of voluntary contributions of each employee exercising the option to make such contributions.

§ 29.14 Purchase of additional annuity. (a) Voluntary contributions may be used to purchase only one of the following types of annuity:

(1) Life annuity; or

(2) Reduced annuity payable during the life of the employee and after his death one-half of such reduced annuity to be payable to a survivor annuitant designated at time of retirement during the life of such survivor.

(b) Any natural person may be designated as beneficiary under paragraph (a) (2) of this section.

(c) If the employee elects a life annuity at retirement, each \$100 credited to his voluntary contribution account, including interest, will purchase additional annuity at the rate of \$7 per annum, plus 20 cents for each full year, if any, he is over age 55 at date of retirement. If he elects the reduced annuity, the rates will be based on the life annuity rates and will be fixed by the Civil Service Commission according to the respective ages of the individuals who will benefit from the additional annuity.

§ 29.15 Appeals. (a) An appeal may be taken to the Civil Service Commission, from the final action or order of the Retirement Division affecting the rights or interest of any person or of the United States under the civil-service retirement law, except as provided in this section.

(b) Appeals must be filed by a claimant or a duly accredited representative, but no appeal shall lie to the Commission's Board of Appeals and Review until action has been completed by the Retirement Division. An appeal taken in behalf of a claimant by or through a representative who is not recognized by the Commission, or whose recognition has been canceled, shall not be entertained.

(c) (1) Except as hereinafter ordered, the time for filing an appeal shall be not later than six months from the date of mailing notice of the final action or order of which complaint is made.

(2) In applications for disability retirement made by a department or establishment of the Government the time for filing an appeal shall be not later than 30 days from date of receipt of notice of final action or order.

(3) In cases of disability annuitants who are found upon medical examination to have recovered, the time allowed for filing an appeal shall be no later than 90 days from the date of final notice of proposed discontinuance of annuity.

(4) In simultaneously contested claims, where one is allowed and one rejected, the time allowed for the filing of an appeal shall be not later than 60 days from the date of receipt of the notice of the Commission's action by the claimant to whom the action is adverse. Upon the filing of an appeal all parties, other than the appellant, whose interests may be adversely affected by the decision shall be notified by registered letter of the filing of the appeal and of the substance thereof and allowed 30 days from the date of the receipt of such notice

within which to file brief or argument in answer thereto before the papers are forwarded to the Board of Appeals and Review. The return of a registered letter unclaimed, containing notice, addressed to the last known post-office address, shall constitute sufficient evidence of notice.

(d) Each appeal shall show the name and post-office address of appellant, his retirement claim number, the date and substance of the action from which the appeal is taken, and full reasons for the appeal.

(e) In proceedings before the Commission in which it shall be decided that a party has no right to appeal or that said appeal may not be entertained under the provisions of this section, such party may apply to the Commissioners for an order directing the Retirement Division to forward the record to the Board of Appeals and Review. Such application shall be in writing and shall fully and specifically set forth the grounds upon which the request is based. If upon consideration the application is granted, jurisdiction shall vest in the Board of Appeals and Review to dispose properly of the case.

(f) The mandate of the decision by the Board of Appeals and Review shall be carried into effect within 60 days from the date of the receipt of notice of the decision by the Retirement Division (except as hereinafter provided) unless the decision shall sooner be recalled. A proper explanation of the decision rendered shall be mailed to the appellant and/or his duly authorized representative by the Board of Appeals and Review.

(g) In any case involving conflicting claims of two or more parties wherein the time allowed for appeal is limited to 60 days, there shall be a stay of execution of the decision of the Board of Appeals and Review until the expiration of the period of 30 days within which a motion for reconsideration may be filed.

(h) No appeal will be considered by the Civil Service Commission to review the decisions of the Secretary of the Interior prior to July 21, 1930, or of the Administrator of Veterans' Affairs prior to September 1, 1934, on civil-service retirement cases except where upon the basis of newly discovered material evidence, the case has been reconsidered by the Retirement Division. In the latter event, the provisions of this section shall apply.

§ 29.101 Basic records. Every Federal department, agency, corporation, or branch, whether executive, legislative, or judicial, and the District of Columbia government, having officers or employees subject to any of the retirement laws administered by the Civil Service Commission, shall initiate and maintain retirement accounts as prescribed in the "Retirement Accounting Manual" issued by the Civil Service Commission.

UNITED STATES CIVIL SERVICE COMMISSION,

[SEAL] H. B. MITCHELL,
President.

[F. R. Doc. 43-3653; Filed, Apr. 23, 1948; 8:47 a. m.]

TITLE 7—AGRICULTURE

Chapter IX—Production and Marketing Administration (Marketing Agreements and Orders)

[Lemon Regulation 270, Amdt. 1]

PART 953—LEMONS GROWN IN CALIFORNIA AND ARIZONA

LIMITATION OF SHIPMENTS

Findings. (1) Pursuant to the marketing agreement, as amended, and Order No. 53, as amended (7 CFR, Cum. Supp., 953.1 et seq., 13 F. R. 766) regulating the handling of lemons grown in the State of California or in the State of Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended, and upon the basis of the recommendation and information submitted by the Lemon Administrative Committee, established under the said marketing agreement and order, and upon other available information, it is hereby found that the limitation of the quantity of such lemons which may be handled, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that compliance with the preliminary notice and public rule-making procedure requirements of the Administrative Procedure Act (Pub. Law 404, 79th Cong., 2d Sess., 60 Stat. 237) is impracticable and contrary to the public interest in that the time intervening between the date when information upon which this amended regulation is based became available and the time when this amended regulation must become effective in order to effectuate the declared policy of the Agricultural Marketing Agreement Act of 1937, as amended, is insufficient for such compliance.

Order, as amended. The provisions in paragraph (b) (1) of § 953.377 (Lemon Regulation 270, 13 F. R. 2066), are hereby amended to read as follows:

(1) The quantity of lemons grown in the State of California or in the State of Arizona which may be handled during the period beginning at 12:01 a. m., P. s. t., April 18, 1948, and ending at 12:01 a. m., P. s. t., April 25, 1948, is hereby fixed as follows:

(i) District 1. 450 carloads.

(ii) District 2: unlimited movement.

(48 Stat. 31, as amended; 7 U. S. C. 601 et seq.)

Done at Washington, D. C., this 22d day of April 1948.

[SEAL] S. R. SMITH,
Director Fruit and Vegetable
Branch, Production and Mar-
keting Administration.

[F. R. Doc. 48-3716; Filed, Apr. 23, 1948;
9:32 a. m.]

[Lemon Regulation 271]

PART 953—LEMONS GROWN IN CALIFORNIA AND ARIZONA

LIMITATION OF SHIPMENTS

§ 953.378 *Lemon Regulation 271—(a)*
Findings. (1) Pursuant to the market-

ing agreement, as amended, and Order No. 53, as amended (7 CFR, Cum. Supp., 953.1 et seq., 13 F. R. 766) regulating the handling of lemons grown in the State of California or in the State of Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended, and upon the basis of the recommendation and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of the quantity of such lemons which may be handled, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that compliance with the preliminary notice and public rule-making procedure requirements and the 30-day effective date requirement of the Administrative Procedure Act (Pub. Law 404, 79th Cong., 2d Sess., 60 Stat. 237) is impracticable and contrary to the public interest in that the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the Agricultural Marketing Agreement Act of 1937, as amended, is insufficient for such compliance, and a reasonable time is permitted, under the circumstances, for preparation for such effective date.

(b) **Order.** (1) The quantity of lemons grown in the State of California or in the State of Arizona which may be handled during the period beginning at 12:01 a. m., P. s. t., April 25, 1948, and ending at 12:01 a. m., P. s. t., May 2, 1948, is hereby fixed as follows:

(i) District 1. 425 carloads.

(ii) District 2: unlimited movement.

(2) The prorate base of each handler who has made application therefor, as provided in the said amended marketing agreement and order, is hereby fixed in accordance with the prorate base schedule which is attached hereto and made a part hereof by this reference.

(3) As used in this section, "handled," "handler," "carloads," "prorate base," "District 1," and "District 2" shall have the same meaning as is given to each such term in the said amended marketing agreement and order. (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.)

Done at Washington, D. C., this 22d day of April 1948.

[SEAL] S. R. SMITH,
Director Fruit and Vegetable
Branch, Production and Mar-
keting Administration.

PRORATE BASE SCHEDULE

DISTRICT NO. 1

Storage Date: April 18, 1948

[12:01 a. m. April 25, 1948, to 12:01 a. m.
May 9, 1948]

Handler	Prorate base (percent)
Total	100.000
American Fruit Growers, Inc., Corona	.812
American Fruit Growers, Inc., Fullerton	.812

PRORATE BASE SCHEDULE—Continued

DISTRICT NO. 1—continued

Handler	Prorate base (percent)
American Fruit Growers, Inc., Upland	0.265
Hazeltine Packing Co.	.742
Ventura Coastal Lemon Co.	1.050
Ventura Pacific Co.	1.500
Total A. F. G.	4.887
Klink Citrus Association	.228
Lemon Cove Association	.041
Glendora Lemon Growers Association	1.512
La Verne Lemon Association	.872
La Habra Citrus Association, The	2.061
Yorba Linda Citrus Association, The	1.322
Alta Loma Heights Citrus Association	.621
Etiwanda Citrus Fruit Association	.262
Mountain View Fruit Association	.450
Old Baldy Citrus Association	.766
Upland Lemon Growers Association	5.535
Central Lemon Association	1.465
Irvine Citrus Association, The	1.218
Placentia Mutual Orange Association	.877
Corona Citrus Association	.932
Corona Foothill Lemon Co.	2.323
Jameson Co.	1.523
Arlington Heights Citrus Co.	.950
College Heights Orange & Lemon Association	2.514
Chula Vista Citrus Association, The	1.870
El Cajon Valley Citrus Association	.453
Escondido Lemon Association	4.339
Fallbrook Citrus Association	2.550
Lemon Grove Citrus Association	.675
San Dimas Lemon Association	2.493
Carpinteria Lemon Association	2.278
Carpinteria Mutual Citrus Association	2.541
Goleta Lemon Association	2.488
Johnston Fruit Co.	3.163
North Whittier Heights Citrus Association	1.935
San Fernando Heights Lemon Association	1.758
San Fernando Lemon Association	.854
Sierra Madre-Lamanda Citrus Association	1.523
Tulare County Lemon & Grapefruit Association	.197
Briggs Lemon Association	1.646
Culbertson Investment Co.	.334
Culbertson Lemon Association	.909
Fillmore Lemon Association	2.024
Oxnard Citrus Association, Plant No. 1	2.251
Oxnard Citrus Association, Plant No. 2	2.215
Rancho Sespe	1.427
Santa Paula Citrus Fruit Association	3.304
Saticoy Lemon Association	2.076
Seaboard Lemon Association	3.235
Somis Lemon Association	2.536
Ventura Citrus Association	1.035
Limoneira Co.	2.904
Teague-McKevett Association	.930
East Whittier Citrus Association	1.081
Leffingwell Rancho Lemon Association	1.018
Murphy Ranch Co.	2.272
Whittier Citrus Association	1.102
Whittier Select Citrus Association	.424
Total C. F. G. E.	88.603

Chula Vista Mutual Lemon Association	1.160
Escondido CoOperative Citrus Association	.374
Glendora CoOperative Citrus Association	.034
Index Mutual Association	.380
LaVerne CoOperative Citrus Association	1.030

PRORATE BASE SCHEDULE—Continued

DISTRICT NO. 1—continued

Handler	Prorate base (percent)
Orange CoOperative Citrus Association	0.176
Ventura County Orange & Lemon Association	2.343
Whittier Mutual Orange & Lemon Association	.244
Total M. O. D.	6.650
California Citrus Groves, Inc., Ltd.	.028
Evans Bros. Packing Co., Riverside	.028
Furr, N. C.	.000
Harding & Leggett	.056
Johnson, Fred	.052
Levinson, Sam	.000
Lorbeer, Carroll W. C.	.000
Orange Belt Fruit Distributors	1.606
Rooke, B. G., Packing Co.	.018
San Antonio Orchard Co.	.111
Zaninovich Brothers, Inc.	.018
Total independents	1.970

[F. R. Doc. 43-3714; Filed, Apr. 23, 1948; 9:32 a. m.]

[Orange Regulation 227]

PART 966—ORANGES GROWN IN CALIFORNIA AND ARIZONA

LIMITATION OF SHIPMENTS

§ 966.373 *Orange Regulation 227*—(a) *Findings.* (1) Pursuant to the provisions of Order No. 66 (7 CFR, Cum. Supp., 966.1 et seq.) regulating the handling of oranges grown in the State of California or in the State of Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended, and upon the basis of the recommendation and information submitted by the Orange Administrative Committee, established under the said order, and upon other available information, it is hereby found that the limitation of the quantity of such oranges which may be handled, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that compliance with the preliminary notice and public rule-making procedure requirements and the 30-day effective date requirement of the Administrative Procedure Act (Pub. Law 404, 79th Cong., 2d Sess., 60 Stat. 237) is impracticable and contrary to the public interest in that the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the Agricultural Marketing Agreement Act of 1937, as amended, is insufficient for such compliance, and a reasonable time is permitted, under the circumstances, for preparation for such effective date.

(b) *Order.* (1) The quantity of oranges grown in the State of California or in the State of Arizona which may be handled during the period beginning at 12:01 a. m., P. s. t., April 25, 1948, and ending at 12:01 a. m., P. s. t., May 2, 1948, is hereby fixed as follows:

(i) *Valencia oranges.* (a) Prorate District No. 1, 200 carloads; (b) Prorate District No. 2, no movement; (c) Prorate District No. 3, unlimited movement.

(ii) *Oranges other than Valencia oranges.* (a) Prorate District No. 1, unlimited movement; (b) Prorate District No. 2, 1,100 carloads; and (c) Prorate District No. 3, unlimited movement.

(2) The prorate base of each handler who has made application therefor, as provided in the said order, is hereby fixed in accordance with the prorate base schedule which is attached hereto and made a part hereof by this reference.

(3) As used in this section, "handler," "handler," "carloads," and "prorate base" shall have the same meaning as is given to each such term in the said order; and "Prorate District No. 1," "Prorate District No. 2," and "Prorate District No. 3" shall have the same meaning as is given to each such term in § 966.107 of the rules and regulations (11 F. R. 10258) issued pursuant to said order. (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.)

Done at Washington, D. C., this 22d day of April 1948.

[SEAL] S. R. SMITH,
Director Fruit and Vegetable
Branch, Production and Marketing Administration.

PRORATE BASE SCHEDULE

[12:01 a. m. Apr. 25, 1948, to 12:01 a. m. May 2, 1948]

VALENCIA ORANGES

Prorate District No. 1

Handler	Prorate base (percent)
Total	100.0000
A. F. G. Lindsay	2.1418
A. F. G. Porterville	1.9345
A. F. G. Sides	.9224
Ivanhoe Coop. Association	.2315
Doffemyer, W. Todd	.4331
Elderwood Citrus Association	.9191
Exeter Citrus Association	1.3348
Exeter Orange Growers Association	.4590
Hillside Packing Association, The	3.2344
Ivanhoe Mutual Orange Association	1.1533
Klink Citrus Association	4.1532
Lemon Cove Association	1.6221
Lindsay Citrus Growers Association	3.1149
Lindsay Coop. Citrus Association	2.4542
Lindsay District Orange Co.	1.6341
Lindsay Fruit Association	2.6367
Lindsay Orange Growers Association	.8761
Orange Cove Citrus Association	2.2567
Orange Cove Orange Growers Association	1.4623
Orange Packing Co.	1.8435
Orosi Foothill Citrus Association	1.4363
Paloma Citrus Fruit Association	.6250
Rocky Hill Citrus Association	2.2318
Sanger Citrus Association	1.7761
Sequoia Citrus Association	.8255
Stark Packing Corp.	4.4622
Visalia Citrus Association	1.5215
Waddell & Son	2.1672
Orland Orange Growers Association, Inc.	.6410
Baird-Neece Corp.	2.0420
Beattie Association, Agnes	.2180
Grand View Heights Citrus Association	4.3922
Magnolia Citrus Association	2.6932
Richgrove-Jasmine Citrus Association	1.1063
Sandlands Fruit Co.	1.4755
Strathmore Coop. Association	3.6362
Strathmore District Orange Association	1.7425

PRORATE BASE SCHEDULE—Continued

VALENCIA ORANGES—continued

Prorate District No. 1—Continued

Handler	Prorate base (percent)
Strathmore Fruit Growers Association	1.9374
Strathmore Packing House Co.	1.2521
Sunflower Packing Association	2.2942
Sunland Packing House Co.	3.3459
Tule River Citrus Association	1.0743
Vandalla Packing Association	.5363
Exeter Groves Packing Co.	1.5291
Kreolis Bros., Ltd.	1.6178
Lindsay Mutual Groves	2.1976
Martin Ranch	1.1310
Woodlake Packing House	1.4122
Anderson Packing Co., R. M.	.5395
Baker Brothers	.6357
California Citrus Groves, Inc., Ltd.	2.6359
Chees Co., Meyer W.	.1413
Harding & Leggett	2.5561
Lo Bue Bros.	.5922
Marks, W. & M.	.2005
Randolph Marketing Co.	1.6359
Reimers, Don H.	.2352
Recke Packing Co., Inc.	1.9234
Webb Packing Co., Inc.	.3331
Wollenman Packing Co.	1.5337
Woodlake Heights Packing Corp.	1.0397
Zaninovich Bros.	.3733

ALL ORANGES OTHER THAN VALENCIA ORANGES

Prorate District No. 2

Handler	Prorate base (percent)
Total	100.0000
A. P. G. Alta Loma	.1483
A. P. G. Corona	.5330
A. P. G. Fullerton	.0039
A. P. G. Orange	.0009
A. P. G. Riverside	.5723
Hazeltine Packing Co.	.6399
Placentia Pioneer Valencia Growers Association	.0900
Signal Fruit Association	1.0195
Azuza Citrus Association	1.0077
Azuza Orange Co., Inc.	.1416
Damerel-Allison Co.	1.1331
Glendora Mutual Orange Association	.6036
Irwindale Citrus Association	.2737
Puente Mutual Citrus Association	.0506
Valencia Heights Orchard Association	.2323
Covina Citrus Association	1.5745
Covina Orange Growers Association	.4731
Duarte-Monrovia Fruit Exchange	.4562
Glendora Citrus Association	.9332
Glendora Hts. Orange and Lemon Association	.1633
Gold Buckle Association	4.0323
La Verne Orange Association	3.6634
Anaheim Citrus Fruit Association	.0000
Anaheim Valencia Orange Association	.0000
Eadlington Fruit Co., Inc.	.0000
Fullerton Mutual Orange Association	.0000
La Habra Citrus Association	.0000
Orange County Valencia Association	.0000
Orangethorpe Citrus Association	.0000
Placentia Coop. Orange Association	.0000
Yorba Linda Citrus Association, The	.0000
Alta Loma Hts. Citrus Association	.4231
Citrus Fruit Growers	1.0318
Cucamonga Citrus Association	.5978
Etiwanda Citrus Fruit Association	.2263
Mountain View Fruit Association	.1903
Old Baldy Citrus Association	.5524
Rialto Heights Orange Association	.4435
Upland Citrus Association	2.6001
Upland Heights Orange Growers	1.1634
Consolidated Orange Growers	.0000

RULES AND REGULATIONS

PRORATE BASE SCHEDULE—Continued

ALL ORANGES OTHER THAN VALENCIA ORANGES—
continued

Prorate District No. 2—Continued

Handler	Prorate base (percent)
Frances Citrus Association.....	0.0039
Garden Grove Citrus Association....	.0000
Goldenwest Citrus Association, The .....	.0000
Olive Heights Citrus Association....	.0000
Santa Ana-Tustin Mutual Citrus Association .....	.0000
Santiago Orange Growers Associa- tion .....	.0000
Tustin Hills Citrus Association....	.0000
Villa Park Orchards Association, The .....	.0189
Bradford Brothers, Inc.....	.0000
Placentia Mutual Orange Associa- tion .....	.0000
Placentia Orange Growers Associa- tion .....	.0000
Call Ranch.....	.7767
Corona Citrus Association.....	1.0547
Jameson Co.....	.3972
Orange Heights Orange Association..	1.2811
Crafton Orange Growers Associa- tion	1.6062
E. Highlands Citrus Association....	.5146
Fontana Citrus Association.....	.5369
Highlands Fruit Growers Associa- tion .....	.6965
Redlands Heights Growers.....	1.1599
Redlands Orangedale Association....	1.5206
Break & Son, Allen.....	.3186
Bryn Mawr Fruit Growers Associa- tion	1.2474
Krlnard Packing Co.....	2.0765
Mission Citrus Association.....	.8565
Redlands Coop. Fruit Association....	1.8798
Redlands Orange Growers Associa- tion	1.3093
Redlands Select Groves.....	.5693
Rialto Citrus Association.....	.6538
Railto Orange Co.....	.3788
Southern Citrus Association.....	1.1041
United Citrus Co.....	.6549
Zillen Citrus Co.....	.7883
Andrews Brothers of Calif.....	.3068
Arlington Heights Citrus Co.....	.6793
Brown Estate, L. V. W.....	2.1038
Gavilan Citrus Association.....	1.8887
Hemet Mutual Groves.....	.0000
Highgrove Fruit Association.....	.7867
McDermont Fruit Co.....	2.3532
Monte Vista Citrus Association....	1.2953
National Orange Co.....	.9099
Riverside Heights Orange Growers Association	1.3605
Sierra Vista Packing Association....	.9200
Victoris Avenue Citrus Association..	3.0197
Claremont Citrus Association.....	1.2401
College Heights Orange & Lemon Association	1.3089
El Capino Citrus Association.....	.6031
Indian Hill Citrus Association.....	1.4953
Pomona Fruit Growers Exchange....	2.1976
Walnut Fruit Growers Association..	.5048
West Ontario Citrus Association....	1.6900
El Cajon Valley Citrus Association..	.0000
Escondido Orange Association.....	.0000
San Dimas Orange Growers Associa- tion	1.2041
Ball & Tweedy Association.....	.0000
Canoga Citrus Association.....	.0000
N. Whittier Heights Citrus Associa- tion .....	.0629
San Fernando Fruit Growers Associa- tion .....	.3820
San Fernando Heights Orange Associa- tion .....	.3720
Sierra Madre Lamanda Citrus Asso- ciation .....	.0000
Camarello Citrus Association.....	.0030
Fillmore Citrus Association.....	.0000
Ojai Orange Association.....	.0000

PRORATE BASE SCHEDULE—Continued

ALL ORANGES OTHER THAN VALENCIA ORANGES—
continued

Prorate District No. 2—Continued

Handler	Prorate base (percent)
Piru Citrus Association.....	0.0000
Santa Paula Orange Association....	.0000
Tapo Citrus Association.....	.0000
E. Whittier Citrus Association.....	.0000
Whittier Citrus Association.....	.0000
Whittier Select Citrus Association..	.0000
Anaheim Coop. Orange Association..	.0000
Bryn Mawr Mutual Orange Associa- tion .....	.6752
Chula Vista Mutual Lemon Associa- tion .....	.0000
Escondido Coop. Citrus Association..	.0000
Euclid Avenue Orange Association..	2.4861
Foothill Citrus Union, Inc.....	.1184
Fullerton Coop. Orange Association..	.0000
Garden Grove Orange Coop., Inc....	.0000
Glendora Coop. Citrus Association..	.0761
Golden Orange Groves, Inc.....	.3061
Highland Mutual Groves.....	.3158
Index Mutual Association.....	.0048
La Verne Coop. Citrus Association..	3.0175
Mentone Heights Association.....	.9564
Olive Hillside Groves.....	.0000
Orange Coop. Citrus Association....	.0000
Redlands Foothill Groves.....	2.6685
Redlands Mutual Orange Associa- tion	1.0361
Riverside Citrus Association.....	.4343
Ventura County Orange & Lemon Association .....	.2199
Whittier Mutual Orange & Lemon Association .....	.0000
Babijuce Corp. of Calif.....	.1991
Banks Fruit Co.....	.2225
California Fruit Distributors.....	.0408
Cherokee Citrus Co., Inc.....	1.1338
Chess Company, Meyer W.....	.0000
Evans Brothers Packing Co.....	.7601
Gold Banner Association.....	2.2140
Granada Packing House.....	.1859
Hill, Fred A.....	.7875
Inland Fruit Dealers.....	.2563
Orange Belt Fruit Distributors.....	1.8958
Panno Fruit Co., Carlo.....	.0421
Paramount Citrus Association, Inc..	.4454
Placentia Orchards Co.....	.0000
San Antonio Orchards Co.....	1.3353
Snyder & Sons Co., W. A.....	.0000
Torn Ranch.....	.0648
Wall, E. T.....	2.1264
Western Fruit Growers, Inc., Reds..	3.4012
Yorba Orange Growers Association..	.0000

[F. R. Doc. 48-3715; Filed, Apr. 23, 1948;
9:32 a. m.]

TITLE 10—ARMY

Chapter V—Military Reservations
and National CemeteriesPART 501—LIST OF EXECUTIVE ORDERS,
PROCLAMATIONS AND PUBLIC LAND ORDERS
AFFECTING MILITARY RESERVATIONS

OREGON

CROSS REFERENCE: For order revoking Public Land Order 11, which withdrew public lands in Oregon for the use of the War Department as a camp site and which was listed in the tabulation contained in § 501.1, see Public Land Order 467 in the Appendix to Chapter I of Title 43, *infra*.

TITLE 11—ATOMIC ENERGY

Chapter I—Atomic Energy
CommissionPART 70—DEFINITION OF FISSIONABLE
MATERIAL

URANIUM 233

§ 70.1 *Uranium 233.* The Commission has determined (13 F. R. 1955) pursuant to section 5 (a) (1) of the Atomic Energy Act of 1946 that the isotope Uranium 233 is a material capable of releasing substantial quantities of energy through nuclear chain reaction of the material. Accordingly, the isotope Uranium 233, and any material artificially enriched thereby, constitutes a "fissionable material" within the meaning of the Atomic Energy Act of 1946.

Effective date. In the interest of the common defense and security, the determination set forth in § 60.1 shall become effective immediately upon publication in the FEDERAL REGISTER.

(60 Stat. 755)

Dated at Washington, D. C., this 20th day of April 1948.

UNITED STATES ATOMIC
ENERGY COMMISSION,
DAVID E. LILIENTHAL,
Chairman.

[F. R. Doc. 48-3651; Filed, Apr. 23, 1948;
9:00 a. m.]

TITLE 16—COMMERCIAL
PRACTICES

Chapter I—Federal Trade Commission

[Docket No. 4047]

PART 3—DIGEST OF CEASE AND DESIST
ORDERS

SHEFFIELD FARMS CO., INC.

§ 3.298 *Controlling, unfairly, seller suppliers: § 3.30 (c) 7) Cutting off competitors' or others' access to customers or market—Organizing and controlling seller suppliers: § 3.33 (a) 12) Cutting off competitors' supplies—Organizing and controlling supply sources: § 3.39 Dealing on exclusive and tying basis.* In connection with the purchase, receipt, sale or distribution of milk, in any amount and in any form in commerce, (1) organizing or creating, or attempting to organize or create, by any means or method whatsoever, any association or group of milk producers, the purpose of the association or group being to sell the milk produced by its members to the respondent, in any form or in any amount; (2) controlling or attempting to control, by any means or method whatsoever, the admission to, or retention of, membership by any milk producer in any association or group of milk producers, the purpose of the association or group being to sell the milk produced by its members to the respondent, in any form or in any amount; (3) controlling, dominating, or attempting to control or dominate, by any manner or method whatsoever, the management

or operation of any association or group of milk producers, the purpose of the association or group being to sell the milk produced by its members to the respondent, in any form or in any amount; (4) controlling, attempting to control, by any manner or by any method whatsoever, or campaigning in relation to, or in connection with, the selection or election of any officials, representatives, delegates, directors, officers, or agents by the members of any association or group of milk producers, the purpose of the association or group being to sell the milk produced by its members to the respondent, in any form or in any amount; or, (5) dominating, controlling, or attempting to dominate or control, by any means, manner, or method whatsoever, any association or group of milk producers, the purpose of the association or group being to sell the milk produced by its members to the respondent, in any form or in any amount, for the purpose, or with the effect, of causing such association or group, or the officials thereof, to act solely in the interest of, or for the benefit of, the respondent and to the detriment of the association or group; prohibited. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U. S. C., sec. 45b) [Cease and desist order, Sheffield Farms Company, Inc., Docket 4647, Feb. 27, 1948]

At a regular session of the Federal Trade Commission held at its office in the city of Washington, D. C., on the 27th day of February A. D. 1948.

This proceeding having been heard by the Federal Trade Commission upon the complaint of the Commission, the answer of the respondent, testimony and other evidence taken before a trial examiner of the Commission theretofore duly designated by it (all intervening procedure having been waived by stipulation of counsel and the Commission having approved and accepted said stipulation) and the Commission having made its findings as to the facts and its conclusion that the respondent has violated the provisions of the Federal Trade Commission Act:

It is ordered, That respondent, Sheffield Farms Company, Inc., its successors or assigns, officers, representatives, agents, and employees, in connection with the purchase, receipt, sale, or distribution of milk, in any amount and in any form, in commerce, between and among the various and several States of the United States and in the District of Columbia, do forthwith cease and desist from directly or indirectly—

1. Organizing or creating, or attempting to organize or create, by any means or method whatsoever, any association or group of milk producers, the purpose of the association or group being to sell the milk produced by its members to the respondent, in any form or in any amount;

2. Controlling or attempting to control, by any means or method whatsoever, the admission to, or retention of, membership by any milk producer in any association or group of milk producers, the purpose of the association or group being to sell the milk produced by its

members to the respondent, in any form or in any amount;

3. Controlling, dominating, or attempting to control or dominate, by any manner or method whatsoever, the management or operation of any association or group of milk producers, the purpose of the association or group being to sell the milk produced by its members to the respondent, in any form or in any amount;

4. Controlling, attempting to control, by any manner or by any method whatsoever, or campaigning in relation to, or in connection with, the selection or election of any officials, representatives, delegates, directors, officers, or agents by the members of any association or group of milk producers, the purpose of the association or group being to sell the milk produced by its members to the respondent, in any form or in any amount;

5. Dominating, controlling, or attempting to dominate or control, by any means, manner, or method whatsoever, any association or group of milk producers, the purpose of the association or group being to sell the milk produced by its members to the respondent, in any form or in any amount, for the purpose, or with the effect, of causing such association or group, or the officials thereof, to act solely in the interest of, or for the benefit of, the respondent and to the detriment of the association or group.

It is further ordered, That the respondent shall, within sixty (60) days after service upon it of this order, file with the Commission a report in writing, setting forth in detail the manner and form in which it has complied with this order.

By the Commission.

[SEAL]

ORIS B. JOHNSON,
Secretary.

[F. R. Doc. 48-3654; Filed, Apr. 23, 1948;
8:47 a. m.]

TITLE 29—LABOR

Chapter V—Wage and Hour Division, Department of Labor

PART 683—WHOLESALE, WAREHOUSING, AND OTHER DISTRIBUTION INDUSTRIES IN PUERTO RICO, MINIMUM WAGE ORDER

In the matter of the recommendation of Special Industry Committee No. 5 for Puerto Rico for a minimum wage rate in the wholesaling, warehousing, and other distribution industries in Puerto Rico; final decision and order.

Pursuant to the Administrative Procedure Act (60 Stat. 237; 5 U. S. C., Supp., 1001) notice was published in the FEDERAL REGISTER on April 1, 1948 (13 F. R. 1796) of my decision to approve the minimum wage recommendation of Special Industry Committee No. 5 for Puerto Rico for the wholesaling, warehousing, and other distribution industries in Puerto Rico, and the wage order which I proposed to issue to carry such recommendation into effect was published therewith. Interested parties were given an opportunity to submit exceptions within 15 days of the date of publication of the notice.

An exception was filed by the Asocion de Comerciantes Mayoristas, Inc., San Juan, Puerto Rico. All the arguments presented in the exception were before me at the time I made the decision to approve the recommendation of the industry committee. These arguments were carefully considered and analyzed in my decision which was set forth in my findings and opinion dated March 25, 1948. The exception, therefore, raised no new matters which would require any change or modification of my previous decision.

Accordingly, pursuant to authority vested in me by the Fair Labor Standards Act of 1938 (52 Stat. 1064, 29 U. S. C. 201) the said decision is hereby affirmed and made final, and the said wage order is hereby issued, to become effective May 24, 1948 as provided therein.

Sec.

683.1 Approval of recommendation of Industry Committee.

683.2 Wage rate.

683.3 Notices of order.

683.4 Definition of the wholesaling, warehousing, and other distribution industries in Puerto Rico.

AUTHORITY: §§ 683.1 to 683.4, inclusive, issued under sec. 8, 52 Stat. 1064, sec. 3 (c), 54 Stat. 615; 29 U. S. C. 205 (e), 233.

§ 683.1 *Approval of recommendation of Industry Committee.* The Committee's recommendation is hereby approved.

§ 683.2 *Wage rate.* Wages at a rate of not less than 40 cents per hour shall be paid under section 6 of the Fair Labor Standards Act of 1938 by every employer to each of his employees in the wholesaling, warehousing, and other distribution industries in Puerto Rico who is engaged in commerce or in the production of goods for commerce.

§ 683.3 *Notices of order.* Every employer employing any employees so engaged in commerce or in the production of goods for commerce in the wholesaling, warehousing, and other distribution industries in Puerto Rico shall post and keep posted in a conspicuous place in each department of his establishment where such employees are working such notices of this order as shall be prescribed from time to time by the Wage and Hour Division of the United States Department of Labor and shall give such other notice as the Division may prescribe.

§ 683.4 *Definition of the wholesaling, warehousing, and other distribution industries in Puerto Rico.* The wholesaling, warehousing, and other distribution industries in Puerto Rico, to which this part shall apply, is hereby defined as follows:

The wholesaling, warehousing, and other distribution of commodities including, but without limitation, the wholesaling, warehousing, and other distribution activities of jobbers, importers and exporters, manufacturers' sales branches and offices engaged in distributing products manufactured outside of Puerto Rico, industrial distributors, mail order and retail selling establishments, brokers

and agents, and public warehouses. *Provided, however,* That the definition shall not include the activities of employees who are engaged in wholesaling, warehousing, or other distribution of products manufactured by their employer in Puerto Rico, or any activities covered by a wage order which has been issued for any other industry in Puerto Rico or any activities included in any other industry defined in Administrative Order No. 367 appointing Special Industry Committee No. 5 for Puerto Rico.

Effective date. This wage order shall become effective May 24, 1948.

Signed at Washington, D. C., this 21st day of April 1948.

WM. R. McCOMB,
Administrator
Wage and Hour Division.

[F. R. Doc. 48-3686; Filed, Apr. 23, 1948;
9:00 a. m.]

PART 684—HOOKED RUG INDUSTRY IN PUERTO RICO, MINIMUM WAGE ORDER

In the matter of the recommendations of Special Industry Committee No. 5 for Puerto Rico for minimum wage rates in the hooked rug industry in Puerto Rico; final decision and order.

Pursuant to the Administrative Procedure Act (60 Stat. 237; 5 U. S. C., Sup., 1001) notice was published in the FEDERAL REGISTER on April 1, 1948 (13 F. R. 1796) of my decision to approve the minimum wage recommendations of Special Industry Committee No. 5 for Puerto Rico for the hooked rug industry in Puerto Rico, and the wage order which I proposed to issue to carry such recommendations into effect was published therewith. Interested parties were given an opportunity to submit exceptions within 15 days of the date of publication of the notice. No exceptions have been filed, and the time for such filing has expired.

Accordingly, pursuant to authority vested in me by the Fair Labor Standards Act of 1938 (52 Stat. 1064; 29 U. S. C. 201) the said decision is hereby affirmed and made final, and the said wage order is hereby issued, to become effective May 24, 1948 as provided therein.

Sec.
684.1 Approval of recommendations of Industry Committee.

684.2 Wage rates.

684.3 Notices of order.

684.4 Definition of the hooked rug industry in Puerto Rico and its divisions.

AUTHORITY: §§ 684.1 to 684.4, inclusive, issued under sec. 8, 52 Stat. 1064, sec. 3 (c), 54 Stat. 615; 29 U. S. C. 205 (e), 208.

§ 684.1 *Approval of recommendations of Industry Committee.* The Committee's recommendations are hereby approved.

§ 684.2 *Wage rates.* (a) Wages at a rate of not less than 18 cents per hour shall be paid under section 6 of the Fair Labor Standards Act of 1938 by every employer to each of his employees in the hand-hooked rug division of the hooked

rug industry in Puerto Rico who is engaged in hand-tufting or hand-sewing operations, and who is engaged in commerce or in the production of goods for commerce;

(b) Wages at a rate of not less than 27 cents per hour shall be paid under section 6 of the Fair Labor Standards Act of 1938 by every employer to each of his employees in the hand-hooked rug division of the hooked rug industry in Puerto Rico who is engaged in operations other than hand-tufting or hand-sewing and who is engaged in commerce or in the production of goods for commerce;

(c) Wages at a rate of not less than 40 cents per hour shall be paid under section 6 of the Fair Labor Standards Act of 1938 by every employer to each of his employees in the machine-hooked rug division of the hooked rug industry in Puerto Rico who is engaged in commerce or in the production of goods for commerce.

§ 684.3 *Notices of order.* Every employer employing any employees so engaged in commerce or in the production of goods for commerce in the hooked rug industry in Puerto Rico shall post and keep posted in a conspicuous place in each department of his establishment where such employees are working such notices of this order as shall be prescribed from time to time by the Wage and Hour Division of the United States Department of Labor and shall give such other notice as the Division may prescribe.

§ 684.4 *Definition of the hooked rug industry in Puerto Rico and its divisions.* The hooked rug industry in Puerto Rico, to which this part shall apply, is hereby defined as follows: The manufacture of hooked rugs.

The separable divisions of the industry as above defined, to which this part and its several provisions shall apply, are hereby defined as follows:

(a) *Hand-hooked rug division.* The manufacture of hooked rugs by a hand-hooking process.

(b) *Machine-hooked rug division.* The manufacture of hooked rugs by a process other than hand-hooking.

Effective date. This wage order shall become effective May 24, 1948.

Signed at Washington, D. C., this 21st day of April 1948.

WM. R. McCOMB,
Administrator,
Wage and Hour Division.

[F. R. Doc. 48-3702; Filed, Apr. 23, 1948;
9:00 a. m.]

TITLE 43—PUBLIC LANDS: INTERIOR

Subtitle A—Office of the Secretary of the Interior

[Order 2422]

PART 4—DELEGATIONS OF AUTHORITY

BUREAU OF LAND MANAGEMENT; DELEGATIONS TO DIRECTOR IN SPECIFIED MATTERS

The functions of the Bureau of Land Management as a disposal agency of the

War Assets Administration having been terminated as of November 15, 1947 (32 CFR, Part 8301, Reg. 1, Amdt. 1, War Assets Administration, Nov. 6, 1947, 12 F. R. 7810), the delegation of authority to the Bureau of Land Management to act as the Department's disposal agency with respect to surplus real property contained in 43 CFR 4.278 (Order 2297, February 11, 1947) is revoked.

C. GIRARD DAVIDSON,
Assistant Secretary of the Interior

APRIL 19, 1948.

[F. R. Doc. 48-3652; Filed, Apr. 23, 1948;
8:46 a. m.]

Chapter I—Bureau of Land Management, Department of the Interior

PART 50—ORGANIZATION AND PROCEDURE

DELEGATION OF AUTHORITY

CROSS REFERENCE: For revocation of authorization of Bureau of Land Management to act as the Department's disposal agency with respect to surplus real property in the continental United States and in the territories and island possessions of the United States, and of the Director of the Bureau of Land Management to exercise certain powers and authority, which affected the list of delegations of authority contained in §§ 50.75-50.81, see Part 4 of Subtitle A, *supra*.

Appendix—Public Land Orders [Public Land Order 467]

OREGON

REVOKING PUBLIC LAND ORDER 11 OF JULY 8, 1942 AS AMENDED, WITHDRAWING PUBLIC LANDS FOR USE OF WAR DEPARTMENT AS CAMP SITE

By virtue of the authority vested in the President and pursuant to Executive Order No. 9337 of April 24, 1943, it is ordered as follows:

Public Land Order No. 11 of July 8, 1942, as amended by Executive Order No. 9526 of February 28, 1945, withdrawing the public lands in the hereinafter-described areas in Oregon for the use of the War Department as a camp site, is hereby revoked.

The jurisdiction over and use of such lands granted to the War Department by Public Land Order No. 11 shall cease upon the date of the signing of this order. Thereupon, the jurisdiction over and administration of such lands shall be vested in the Department of the Interior and any other Department or agency of the Federal Government according to their respective interests then of record.

This order shall not otherwise become effective to change the status of such lands until 10:00 a. m. on June 18, 1948. At that time the lands shall, subject to valid existing rights and the provisions of existing withdrawals, become subject to application, petition, location, or selection as follows:

(a) *Ninety-day period for preference-right filings.* For a period of 90 days from June 18, 1948, to September 17, 1948,

inclusive, the public lands affected by this order shall be subject to (1) application under the homestead or the desert land laws, or the small tract act of June 1, 1938 (52 Stat. 609, 43 U. S. C. sec. 682a) as amended, by qualified veterans of World War II, for whose service recognition is granted by the act of September 27, 1944 (58 Stat. 747, 43 U. S. C. secs. 279-283) subject to the requirements of applicable law, and (2) application under any applicable public-land law, based on prior existing valid settlement rights and preference rights conferred by existing laws or equitable claims subject to allowance and confirmation. Applications by such veterans shall be subject to claims of the classes described in subdivision (2)

(b) *Twenty-day advance period for simultaneous preference-right filings.* For a period of 20 days from May 29, 1948, to June 18, 1948, inclusive, such veterans and persons claiming preference rights superior to those of such veterans, may present their applications, and all such applications, together with those presented at 10:00 a. m. on June 18, 1948, shall be treated as simultaneously filed.

(c) *Date for non-preference-right filings authorized by the public-land laws.* Commencing at 10:00 a. m. on September 18, 1948, any of the lands remaining unappropriated shall become subject to such application, petition, location, or selection by the public generally as may be authorized by the public-land laws.

(d) *Twenty-day advance period for simultaneous non-preference-right filings.* Applications by the general public may be presented during the 20-day period from August 30, 1948, to September 18, 1948, inclusive, and all such applications, together with those presented at 10:00 a. m. on September 18, 1948, shall be treated as simultaneously filed.

Veterans shall accompany their applications with certified copies of their certificates of discharge, or other satisfactory evidence of their military or naval service. Persons asserting preference rights, through settlement or otherwise, and those having equitable claims, shall accompany their applications by duly corroborated affidavits in support thereof, setting forth in detail all facts relevant to their claims.

Applications for these lands, which shall be filed in the District Land Office, Roseburg, Oregon, shall be acted upon in accordance with the regulations contained in § 295.8 of Title 43 of the Code of Federal Regulations (Circular No. 324, May 22, 1914, 43 L. D. 254) and Part-296 of that title, to the extent that such regulations are applicable. Applications under the homestead laws shall be governed by the regulations contained in Parts 166 to 170, inclusive, of Title 43 of the Code of Federal Regulations and applications under the desert land laws and the small tract act of June 1, 1938, shall be governed by the regulations contained in Parts 232 and 257, respectively, of that title.

Inquiries concerning these lands shall be addressed to the District Land Office, Roseburg, Oregon.

The lands affected by this order are the public lands in the following-described areas:

WILLAMETTE MERIDIAN

T. 36 S., R. 1 E.,
Secs. 27 to 34, inclusive;
T. 37 S., R. 1 E.,
Secs. 3 to 10, 16 to 18, inclusive;
T. 34 S., R. 1 W.,
Secs. 30, 31;
T. 35 S., R. 1 W.,
Secs. 6, 7;
Sec. 18, N $\frac{1}{2}$, SW $\frac{1}{4}$, W $\frac{1}{2}$ SE $\frac{1}{4}$, NE $\frac{1}{4}$ SE $\frac{1}{4}$,
Sec. 19, W $\frac{1}{2}$, W $\frac{1}{2}$ E $\frac{1}{2}$,
Sec. 30, W $\frac{1}{2}$, W $\frac{1}{2}$ E $\frac{1}{2}$,
Sec. 31, W $\frac{1}{2}$,
T. 36 S., R. 1 W.,
Secs. 25, 26;
Sec. 27, E $\frac{1}{2}$,
Sec. 34, E $\frac{1}{2}$,
Secs. 35, 36;
T. 37 S., R. 1 W.,
Secs. 1, 2, 11, 12, 13;
T. 34 S., R. 2 W.,
Secs. 25, 26;
Sec. 33, S $\frac{1}{2}$,
Sec. 34, NE $\frac{1}{4}$, S $\frac{1}{2}$,
Secs. 35, 36;
T. 35 S., R. 2 W.,
Secs. 1 to 4, 9 to 16, 23 to 27, 34 to 36, inclusive;
T. 36 S., R. 2 W.,
Sec. 1;
Sec. 13, Lot 7.

The areas described, including both public and non-public lands, aggregate 41,152.27 acres.

Portions of certain subdivisions are in existing classifications and reservations for power purposes. Some of the lands are reverted Oregon and California Railroad grant lands and are subject only to appropriation or disposal under the provisions of laws applicable to such lands.

The lands are mainly rolling to rough, broken hills, interspersed by some open rolling prairie type land. Undeveloped areas have a native growth of open pine, fir and oak with undergrowths of mountain brush and grass. Soils are mainly clay loam with considerable rock and gravel.

C. GIRARD DAVIDSON,
Assistant Secretary of the Interior.

APRIL 16, 1948.

[F. R. Doc. 48-3638; Filed, Apr. 23, 1948;
8:45 a. m.]

[Public Land Order 403]

ALASKA

MODIFYING EXECUTIVE ORDER 4949 OF AUGUST 14, 1928, TO PERMIT ISSUANCE OF COAL PERMITS OR LEASES

By virtue of the authority contained in the act of March 12, 1914, 38 Stat. 305 (48 U. S. C., secs. 301-308) and pursuant to Executive Order No. 9337 of April 24, 1943, it is ordered as follows:

Executive Order No. 4949 of August 14, 1928, withdrawing certain lands for use in connection with railroad or other construction work, is hereby modified so as to permit the issuance of coal permits or leases pursuant to section 3 of the act of October 20, 1914, 38 Stat. 742, as amended March 4, 1921, 41 Stat. 1363 (48 U. S. C., sec. 444) for the following-described lands:

FAIRBANKS MERIDIAN

T. 12 S., R. 7 W.,
Secs. 19, 30, and 31.
T. 12 S., R. 8 W.,
Sec. 25, lots 1, 2, 3, 4, 7, 8, E $\frac{1}{2}$ E $\frac{1}{2}$, NW $\frac{1}{4}$ NE $\frac{1}{4}$, and NW $\frac{1}{4}$ NW $\frac{1}{4}$,
Sec. 36.

The areas described aggregate 2,980.54 acres.

This order shall not become effective to change the status of the lands until 10:00 a. m. on June 21, 1948, at which time the lands shall, subject to valid existing rights and the provisions of existing withdrawals, become subject to the issuance of coal permits or leases under the provisions of the act of October 20, 1914, *supra*, as amended. Such permits or leases shall provide that the lakes or water flow supplying the Alaska Railroad at Healy, Alaska, shall not be interfered with.

C. GIRARD DAVIDSON,
Assistant Secretary of the Interior.

APRIL 19, 1948.

[F. R. Doc. 48-3639; Filed, Apr. 23, 1948;
8:45 a. m.]

TITLE 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[Docket No. 2664]

PART 1—ORGANIZATION, PRACTICE AND PROCEDURE

Correction

In Federal Register Document 48-3554, appearing at page 2170 of the issue for Thursday, April 22, 1948, the following correction in the original document has been made: In the headnote for § 1.560 the word "Records" should read "Reports"

PART 18—INDUSTRIAL, SCIENTIFIC, AND MEDICAL SERVICE

ELECTRICAL WELDING DEVICES USING RADIO FREQUENCY ENERGY

At a meeting of the Federal Communications Commission held at its offices in Washington, D. C., on the 16th day of April 1948;

The Commission having under consideration various petitions proposing that it suspend the effective date of Part 18 of the Commission's rules and regulations as it applied to electric welding devices using radio frequency energy and

It appearing, that said petitions allege that extensive research has been undertaken designed to bring such welding equipment into conformity with the provisions of Part 18; that such research has not as yet proved wholly successful; and that such equipment is of strategic importance in welding processes utilized for material manufactured and developed for the national defense; and

It further appearing, that additional experimentation looking toward the solution of engineering problems involved in

RULES AND REGULATIONS

bringing such equipment into conformity with said rules is now being undertaken and expedited on an industry-wide cooperative basis and that such experimentation may result in the solution of such problems and in the disclosure of valuable engineering data; and

It further appearing that Part 18 of the Commission's rules and regulations with respect to miscellaneous equipment, including electrical welding devices using radio frequency energy becomes effective on April 30, 1948; that for the reasons set forth above the suspension of Part 18 for a limited period with respect

to such devices is warranted; and that because of the imminent effective date of Part 18 for miscellaneous equipment, it is impracticable to give notice and invoke the procedure set forth in section 4 of the Administrative Procedure Act; and

It further appearing, that authority for the proposed amendment is contained in sections 301, 303 (f) and 303 (r) of the Communications Act of 1934, as amended;

It is ordered, That effective immediately, Part 18 of the Commission's rules and regulations is amended so that an

asterisk footnote is added to § 18.1 (a) reading as follows:

*The effective date of Part 18, with respect to electrical welding devices using radio frequency energy, is October 30, 1948.

(Secs. 301, 303 (f) 48 Stat. 1081, 1082, sec. 303 (r), 50 Stat. 191, 47 U. S. C. 301, 303 (f), 303 (r))

FEDERAL COMMUNICATIONS
COMMISSION,

[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 48-3661; Filed, Apr. 23, 1948;
8:49 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF THE TREASURY

Bureau of Narcotics

[21 CFR, Part 2]

ISOAMIDONE

NOTICE OF PROPOSED RULE MAKING

Correction

In Federal Register Document 48-3545, appearing on page 2174 of the issue for Thursday, April 22, 1948, the following correction in the original document has been made: The date "May 25, 1938" in the second paragraph should read "May 25, 1948."

DEPARTMENT OF AGRICULTURE

Production and Marketing
Administration

[7 CFR, Part 29]

TOBACCO INSPECTION

ANNOUNCEMENT OF REFERENDUM IN CONNECTION WITH PROPOSED DESIGNATION OF TOBACCO AUCTION MARKETS AT HUGHESVILLE, LA PLATA, UPPER MARLBORO, AND WALDORF, MD.

Pursuant to the authority vested in the Secretary of Agriculture by The Tobacco Inspection Act (49 Stat. 731; 7 U. S. C. 1940 ed. 511 et seq.), and in accordance with the applicable regulations issued thereunder by the Secretary, notice is given that a referendum of tobacco growers will be conducted on April 27, 28, and 29, 1948, to determine whether the tobacco auction markets at Hughesville, La Plata, Upper Marlboro, and Waldorf, Maryland, shall be designated by the Secretary under said act for mandatory inspection of tobacco sold thereat.

Growers who sold tobacco on one or more of the above-named auction markets during the 1947 marketing season shall be eligible to vote in said referendum. Ballots for use in said referendum will be mailed to all eligible voters insofar as their names and addresses are known to the Secretary. Eligible voters who do not receive ballots by mail may obtain ballots from their local county agent. All completed ballots shall be mailed to the Tobacco Branch, Production and Marketing Administration, United States

Department of Agriculture, Room 3, Post Office Building, Upper Marlboro, Maryland, and, in order to be counted in said referendum, must be postmarked not later than midnight, April 29, 1948.

If, as a result of the aforesaid referendum, it is found that two-thirds or more of the eligible voters participating in the referendum favor the designation of the above named tobacco auction markets under the provisions of The Tobacco Inspection Act, it is proposed that the Secretary will so designate such auction markets for the mandatory inspection of tobacco in accordance with the act.

Issued this 21st day of April 1948.

[SEAL] S. R. NEWELL,
Acting Assistant Administrator,
Production and Marketing
Administration.

[F. R. Doc. 48-3675; Filed, Apr. 23, 1948;
8:51 a. m.]

[7 CFR, Ch. IX]

[Docket No. AO-193]

HANDLING OF EMPEROR GRAPES GROWN IN CALIFORNIA

NOTICE OF HEARING WITH RESPECT TO PROPOSED MARKETING AGREEMENT AND ORDER

Pursuant to the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.) and in accordance with the applicable rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders (7 CFR and Supps. 900.1 et seq., 12 F. R. 1159, 4904) notice is hereby given of a public hearing to be held at the Exeter Union High School Auditorium, Exeter, California, beginning at 9 a. m., California d. s. t., May 10, 1948, with respect to a proposed marketing agreement and order regulating the handling of Emperor grapes grown in the State of California. The proposed marketing agreement and order have not received the approval of the Secretary of Agriculture.

Such public hearing is for the purpose of receiving evidence with respect to economic or marketing conditions relating to the provisions of the proposed marketing agreement and order which are hereinafter set forth and appropri-

ate modifications thereof. Growers and shippers representing a substantial proportion of total shipments of Emperor grapes have proposed the following marketing agreement and order regulating the handling of Emperor grapes grown in the State of California and have requested a hearing thereon (the provisions identified with an asterisk (*) apply only to the proposed marketing agreement and not to the proposed order)

SECTION 1. *Definitions.* As used herein, the following terms have the following meanings:

(a) "Secretary" means the Secretary of Agriculture of the United States, or any other officer or employee of the United States Department of Agriculture who is or who may hereafter be authorized to exercise the powers and to perform the duties of the Secretary of Agriculture.

(b) "Act" means Public Act No. 10, 73d Congress, as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.)

(c) "Person" means an individual, partnership, corporation, association, or any other business unit.

(d) "Grapes" means and includes all strains of Emperor grapes grown in the area.

(e) "Area" means the State of California.

(f) "Grower" is synonymous with "producer" and means any person engaged in the production of grapes for market and includes all persons having a share in such production. As used in section 5 hereof, "grower" shall also mean the purchaser of a crop of grapes on the vines.

(g) "Handler" is synonymous with "shipper" and means any person (except a common or contract carrier of, or an operator of a cold storage warehouse for, grapes owned by another person), who, as owner, agent, or otherwise, handles grapes, or causes grapes to be handled by rail, truck, boat, or any other means whatsoever.

(h) "Handle" is synonymous with "ship" and means to sell, load in a conveyance for transportation, offer for transportation, transport, deliver to cold storage, or, in any other way, to place grapes in the current of commerce be-

tween the State of California and any point outside thereof, or so as directly to burden, obstruct, or affect such commerce.

(i) "Size" as used with reference to grapes means the weight of a bunch of grapes.

(j) "Standard package" means the package or packages designated by the Industry Committee and approved by the Secretary.

(k) "Fiscal period" is synonymous with "marketing season" and means the twelve-month period beginning on the first day of June of each year and ending on the last day of May of the following year, both dates inclusive, except that the initial fiscal period shall begin on the date designated by the Secretary and shall end on the last day of May of the following year, both dates inclusive.

(l) "Cold storage" means the storage of grapes under refrigeration in a storage warehouse in the State of California, under such conditions as the Industry Committee may prescribe, with the approval of the Secretary.

(m) "District" means each of the following: Tulare District, Fresno District, and Kern District.

(1) "Tulare District" means the County of Tulare, California.

(2) "Fresno District" means the Counties of Fresno, Madera, Merced, Stanislaus, San Joaquin, and Contra Costa; all in California.

(3) "Kern District" means all of the counties in the State of California, other than those included in the Tulare and Fresno Districts.

SEC. 2. Industry Committee.—(a) *Establishment and membership.* There is hereby established an Industry Committee consisting of seven (7) grower members, four (4) to represent the Tulare District; two (2) to represent the Fresno District; and one (1) to represent the Kern District. There shall be an alternate for each member of the committee.

(b) *Nomination and selection of initial members.* The Secretary shall give notice of a meeting, or meetings, of producers in each district for the purpose of making nominations for the initial members and alternate members of the committee. The meetings at which the initial members and alternate members are to be nominated may be held prior to the effective date hereof. In selecting such members and their alternates, the Secretary shall make his selection upon the basis of the representation provided for in this section.

(c) *Nomination of successors to initial members.* (1) The successors to the initial members and their respective alternates for each district shall be selected by the Secretary from the nominees elected by the growers of such district. Nominations for such members and alternate members shall be made at meetings of growers held on or before May 1 of each season at such times and places as the Industry Committee shall designate. At each such meeting the growers eligible to participate therein shall select a chairman and a secretary. After nominations have been made the chairman or the secretary of such meeting shall

transmit to the Secretary his certificate showing the name of each person for whom votes have been cast, whether as member or as alternate for a member, and the number of votes received by each such person.

(2) In voting for nominees, each grower shall be entitled to cast only one vote on behalf of himself, his agents, partners, affiliates, subsidiaries, and representatives; and only growers personally present at such meetings shall be entitled to vote. Each grower shall be entitled to vote only in the district in which he produces grapes, and only for as many nominees as are to be selected from such district.

(d) *Eligibility for membership.* Each person selected to serve as a member or as an alternate member of the Industry Committee for any particular season shall be an individual grower who produced, during the season immediately prior to the season for which the grower has been so nominated or selected, at least fifty-one (51) percent of the grapes shipped by him during such prior season; or such person shall be an officer, employee, or agent of an organization which produced, during such prior season, at least fifty-one (51) percent of the grapes shipped by such organization during such prior season; and any such person shall be an individual grower who, or an officer, employee, or agent of an organization which produced grapes during such prior season in that particular district for which he was nominated or selected as a member or as an alternate member of such committee.

(e) *Selection of successors to initial members.* In selecting the members and alternate members of the committee from the lists of nominees submitted, the Secretary shall select four (4) members and their alternates from the Tulare District, two (2) members and their alternates from the Fresno District, and one (1) member and his alternate from the Kern District.

(f) *Failure to nominate.* In the event nominations for a member or alternate member on the Industry Committee are not made pursuant to paragraph (c) of this section, on or before June 1 of the season for which such nominations should have been made, the Secretary may select the members and alternate members for such season without regard to nominations but such selection shall be on the basis of the representations set forth in paragraph (e) of this section.

(g) *Qualification.* Each person selected has a member or an alternate member of the Industry Committee shall, prior to serving on the committee, qualify by filing with the Secretary a written acceptance thereof before performing any of his duties hereunder.

(h) *Terms of office.* The initial members and alternate members of the committee selected hereunder by the Secretary shall hold office for a period beginning on the date designated by the Secretary and ending on the last day of May 1949, and until their respective successors are selected and have qualified. Members and alternate members selected subsequent to the initial members and alternate members shall serve during the

marketing season for which they have been selected, and until their successors are selected and have qualified.

(i) *Alternate members.* An alternate for a member of the Industry Committee shall act in the place and stead of such member (1) during his absence, and, in the event of his removal, resignation, disqualification, or death, (2) until a successor for such member's unexpired term is selected and has qualified.

(j) *Vacancies.* To fill any vacancy occasioned by the failure of any person selected as a member, or as an alternate member, of the committee to qualify, or in the event of removal, resignation, disqualification, or death of any member or alternate member, a successor for such member's unexpired term shall be nominated and selected in the manner set forth in this section. If nominations to fill any such vacancy are not made within twenty (20) days after such vacancy occurs, the Secretary may fill such vacancy without regard to nominations but on the basis of the representations set forth in paragraph (e) of this section.

(k) *Compensation and reimbursement for expenses.* Each member of the Industry Committee, and each alternate member when acting for a member or when designated by the committee to attend, may receive compensation in an amount not in excess of five dollars (\$5.00) per day (1) for attending each meeting of the committee; and (2) while attending to such committee business as may be authorized by the committee. In addition to said compensation, each of the aforesaid members and alternate members may be reimbursed for all reasonable expenses necessarily incurred in attending each such meeting, or while attending to such committee business.

(l) *Powers.* The Industry Committee shall have the following powers:

(1) To administer, as herein specifically provided, the terms and provisions hereof;

(2) To make rules and regulations to effectuate the terms and provisions hereof;

(3) To receive, investigate, and report to the Secretary complaints of violations hereof; and

(4) To recommend to the Secretary amendments hereto.

(m) *Duties.* The Industry Committee shall have the following duties:

(1) To act as intermediary between the Secretary and any producer or handler;

(2) To keep minutes, books, and records which will clearly reflect all of the acts and transactions of the committee, and such minutes, books, and records shall be subject to examination at any time by the Secretary;

(3) To select from among its members a chairman and other officers and to adopt such rules and regulations for the conduct of its business as it may deem advisable;

(4) To appoint or employ such persons as it may deem necessary, and to determine the salaries and define the duties of each such person;

(5) At the beginning of each fiscal period and not later than the fifteenth day of August thereof, to submit to the Secretary a budget of its expenses and

proposed assessments for such fiscal period, together with a report thereon.

(6) To cause the books of the committee to be audited by one or more certified public accountants, at least once each fiscal period, and at such other time as the committee may deem necessary or as the Secretary may request; and the report of each such audit shall show, among other things, the receipt and expenditure of funds pursuant hereto; and at least two (2) copies of each such audit report shall be submitted to the Secretary.

(7) To prepare monthly statements of the financial operations of the committee and to make such statements, together with the minutes of the meetings of said committee, available for inspection by producers and handlers at the office of the committee.

(8) To investigate compliance with respect to the regulation of shipments pursuant hereto; and

(9) With the approval of the Secretary, to redefine the districts into which the State of California has been divided herein, or change the representation from any district on the Industry Committee: *Provided*, That if any such changes are made, representation on such committee from the various districts shall be based, so far as practicable, upon the proportionate quantity of grapes shipped from the respective districts during the two seasons immediately preceding the season during which such changes are made;

(10) To investigate, from time to time, and to assemble data on the growing, harvesting, shipping, and marketing conditions with respect to grapes; and to engage in such research and service activities relating to the handling of grapes as may be approved, from time to time, by the Secretary;

(11) To submit to the Secretary such available information as he may request; and

(12) To give to the Secretary the same notice of meetings of the Industry Committee as is given to the members thereof.

(n) *Procedure*. (1) Five members, including alternate members when acting as members of the Industry Committee shall constitute a quorum. For any decision of the committee to be valid, at least four concurring votes thereon shall be necessary. *Provided*, That for any decision of the committee with respect to section 5 hereof to be valid, at least five concurring votes thereon shall be necessary.

(2) The committee may provide for the members thereof to vote by mail or in any other manner: *Provided*, That no member may vote other than in person at an assembled meeting of the committee. Voting other than in person shall be confirmed promptly in writing by the respective members so voting.

(o) *Obligation*. Upon the removal, resignation, disqualification, or expiration of the term of office of any member, or alternate member, of the Industry Committee, such member or alternate member shall account for all receipts and disbursements and deliver to his successor, to the committee, or to a designee of the Secretary, all property (including, but not being limited to, all books and

records) in his possession or under his control as member or alternate member, and he shall execute such assignments and other instruments as may be necessary or appropriate to vest in such successor, committee, or designee full title to such property and funds, and all claims vested in such member or alternate member. Upon the death of any member or alternate member of the committee, full title to such property, funds, and claims vested in such member or alternate member, shall be vested in his successor or, until such successor is selected and has qualified, in the committee.

(p) *Shippers' Advisory Council*. (1) There is hereby established a Shippers' Advisory Council (hereinafter called the "Council") consisting of seven members selected by the handlers in accordance with the provisions hereof. The purpose of such Council is to act as an advisory body to the Industry Committee. The duties of the Council shall consist of submitting recommendations to the Industry Committee with respect to whatever regulations or quality standards may be deemed advisable, either initially, or when such regulations or standards have been proposed for consideration by the committee or by the Secretary. Members of the Council shall hold office for a one-year term beginning on August 1 of the corresponding marketing season. There shall be an alternate for each member of such Council. The alternate member shall possess the same qualifications as the member and shall be selected in the same manner as provided herein for the selection of members. An alternate member shall, in the event of such member's absence from a meeting of the Council, act in the place and stead of such member, and, in the event of a vacancy in the office of such member, shall act in the place and stead of such member until a successor for the unexpired term of such member has been selected.

(2) Six (6) members of the Council shall be elected by handlers at a general meeting of all handlers, at which each handler shall have one vote. Three (3) of such members shall be elected by handlers who, during the preceding season, individually shipped 250,000 or more standard packages of grapes, or the equivalent thereof; and three (3) of such members shall be elected by handlers who, during the preceding season, individually shipped less than 250,000 standard packages of grapes, or the equivalent thereof. The seventh member of such committee shall be elected jointly by the other six members of the Council and the members of the Industry Committee.

(3) Any individual person, except one who is a member or an alternate member of the Industry Committee, shall be eligible for membership on the Council.

(4) The initial meeting of handlers, at which members of the Council are to be elected, shall be called and conducted by the Secretary or his agent as soon as possible after the selection of initial members of the Industry Committee. Each handler who desires to vote at the said meeting for the election of members of such Council shall file with the Commit-

tee an affidavit stating his shipments of grapes during the preceding season. Election meetings held subsequent to the initial meeting shall be called and conducted by the Industry Committee not later than July 1 of each year; and each handler who desires to vote thereat shall file, with the Industry Committee, a statement of his shipments of grapes during the season immediately preceding the season during which such meeting is held.

(5) The members and alternate members of the Council may receive per diem compensation and expenses on the same basis as members and alternate members of the Industry Committee (as provided in paragraph (k) of this section) for attendance at each meeting of the Council or Committee, or while attending to Council or Industry Committee business: *Provided*, That such meeting or business has been authorized by the Industry Committee.

SEC. 3. Expenses and assessments—(a) Expenses. The Industry Committee is authorized to incur such expenses as the Secretary may find are reasonable and are likely to be incurred by the committee, during the then current fiscal period (1) for the maintenance and functioning of such committee and (2) for such research and service activities relating to the handling of grapes as the Secretary may determine to be appropriate. The funds to cover such expenses shall be acquired by the levying of assessments as provided herein.

(b) *Assessments*. (1) Each handler who first ships grapes shall, with respect to each such shipment, pay to the Industry Committee, upon demand, such handler's pro rata share of the expenses which the Secretary finds will be incurred, as aforesaid, by the committee during such fiscal period: *Provided*, That no assessment shall be levied with respect to any shipment of grapes exempted under the provisions of section 7 hereof. Each handler's pro rata share of such expenses shall be equal to the ratio between the total quantity of grapes shipped by such handler as the first shipper thereof, during the applicable fiscal period, and the total quantity of grapes shipped by all handlers as the first shippers thereof, during the same fiscal period. The Secretary shall fix the rate of assessment to be paid by such handlers. Any such handler who ships grapes for the account of a grower may deduct from the account sales covering such shipment or shipments the amount of assessments levied on such grapes.

(2) At any time during a fiscal period, the Secretary may increase the rate of assessment in order to secure sufficient funds to cover any later finding by the Secretary relative to the expenses of the Industry Committee. Any such increase in the rate of assessment shall be applicable to all assessable grapes shipped during the given fiscal period. In order to provide funds to carry out the functions of the committee, any handler may make advance payments to the committee. Such advance payments shall be credited by the committee toward such assessments as may be levied hereunder against the respective handler during the then current marketing season.

(c) *Accounting.* (1) If, at the end of any fiscal period, the assessments collected exceed the expenses incurred, each handler entitled to a proportionate refund of the excess assessments shall be credited with such refund against the operations of the following fiscal period, unless such handler demands payment thereof, in which case such refund shall be paid to him.

(2) The Industry Committee may, with the approval of the Secretary, maintain in its own name or in the names of its members, a suit against any handler for the collection of such handler's pro rata share of the expenses.

(d) *Funds.* All funds received by the Industry Committee pursuant to the provisions hereof shall be used solely for the purposes herein specified and shall be accounted for in the manner herein provided. The Secretary may, at any time, require the committee and its members and alternate members to account for all receipts and disbursements.

SEC. 4. Marketing policy. (1) Each season, prior to making any recommendation to the Secretary for a regulation of shipments pursuant to section 5 hereof, the Industry Committee shall formulate and adopt the marketing policy to be followed during the ensuing season and shall submit a report of such policy to the Secretary. said policy report to contain, among other provisions, information relative to the estimated total production and shipments of grapes by districts; the expected general quality and size of grapes; possible or expected demand conditions of different market outlets; supplies of competitive commodities; and appropriate analysis of the foregoing factors and conditions; and the type of regulation of shipments of grapes expected to be recommended.

(2) The Industry Committee shall give reasonable notice to growers and handlers of the contents of each such report submitted to the Secretary. Copies of all such reports shall be maintained in the office of the committee where they shall be available for examination by growers and handlers.

SEC. 5. Regulation.—(a) *By grades and sizes.*—(1) *Recommendation.* Whenever the Industry Committee deems it advisable to limit shipments of grapes to particular grades and sizes, it shall so recommend to the Secretary. At the time of submitting each recommendation the said committee shall submit to the Secretary the data and information upon which it acted in making such recommendation, including factors affecting the supply of and demand for grapes by grades and sizes, and such other information as the Secretary may request. The said committee shall promptly give notice to handlers and growers of each recommendation submitted to the Secretary.

(2) *Establishment.* Whenever the Secretary finds, from the recommendations and supporting information submitted by the Industry Committee, or from other available information, that to limit the shipment of grapes, produced in any or all districts, to particular grades and sizes would tend to effectuate the declared policy of the act, he shall so limit

the shipment of grapes during a specified period or periods. The Secretary shall immediately notify the Industry Committee of the issuance of any such regulation, and the said committee shall promptly give reasonable notice thereof to handlers and growers.

(b) *By minimum standards of quality and maturity.*—(1) *Recommendation.* Whenever the Industry Committee deems it advisable to establish minimum standards of quality or maturity, or both, to govern shipments of grapes pursuant to this paragraph, it shall so recommend to the Secretary. Each such recommendation of the committee shall be in terms of (i) grades or sizes, (ii) other attributes, factors, elements, or determinants of quality or maturity, or (iii) any combination of the foregoing. With each such recommendation, the committee shall submit to the Secretary the information and data on which such recommendation is predicated; and said committee shall also submit to the Secretary such other information as he may request.

(2) *Establishment.* Whenever the Secretary finds, from the recommendation and information submitted by the Industry Committee, or from other available information, that to establish minimum standards of quality or maturity, or both, for grapes and to limit the shipment of grapes to those meeting the minimum standards would be in the public interest and would tend to effectuate the declared policy of the act, he shall establish such standards and so limit the shipment of grapes. The Secretary shall immediately notify the Industry Committee of the minimum standards so established; and said committee shall give prompt notice thereof to handlers and growers.

(c) *Exemptions.* (1) The Industry Committee shall, subject to the approval of the Secretary, adopt the procedural rules to govern the issuance of exemption certificates.

(2) In the event the Secretary issues a regulation pursuant to this section, the Industry Committee shall determine what the percentage of grapes permitted to be shipped from each district is of the total quantity of grapes which would be shipped from such district in the absence of such regulation. An exemption certificate may thereafter be issued by the Industry Committee to any grower who furnishes proof, satisfactory to such committee, that by reason of conditions beyond his control he will be prevented, because of the regulation issued, from shipping or causing to be shipped, a percentage of his crop of grapes equal to the percentage determined as aforesaid. The certificate shall permit such grower to ship or cause to be shipped, a percentage of his crop of grapes equal to the percentage determined as aforesaid. The Industry Committee shall maintain a record of all applications submitted for exemption certificates pursuant to the provisions of this section, and shall maintain a record of all certificates issued, including the information used in determining in each instance the quantity of grapes thus to be exempted and a record of all shipments of exempted grapes. Such additional information as

the Secretary may require shall be recorded in the records of said committee. The Industry Committee shall, from time to time, submit to the Secretary reports stating in detail the number of exemption certificates issued, the quantity of grapes thus exempted, and such additional information as may be requested by the Secretary.

(3) In the event the Industry Committee determines that, by reason of general crop failure or any other unusual conditions within a particular district or districts, it is not feasible or would not be equitable to issue exemption certificates to growers within such district or districts on the basis set forth in subparagraph (2) of this paragraph, it may issue exemption certificates on the basis of the average of the percentages, as determined under subparagraph (2) of this paragraph, of the crops of grapes permitted to be shipped from all districts. An exemption certificate may thereafter be issued by the Industry Committee to any grower who furnishes proof, satisfactory to such committee, that, by reason of conditions beyond his control he will be prevented, because of the aforesaid regulation, from shipping or causing to be shipped, as large a percentage of his crop of grapes as the average of the percentages, as determined under subparagraph (2) of this paragraph, of the crops of grapes permitted to be shipped from all districts. The certificate shall permit such grower to ship or cause to be shipped, a percentage of his crop of grapes equal to the average percentage determined as aforesaid.

(4) If any grower is dissatisfied with the action of the Industry Committee taken with respect to his application for an exemption certificate, such grower may appeal to the Secretary. *Provided,* That such appeal shall be made promptly. The Secretary may, upon an appeal made as aforesaid, modify or reverse the action of the committee from which such appeal was taken. The authority of the Secretary to supervise and control the issuance of exemption certificates is unlimited and plenary; and any determination by the Secretary with respect to an exemption certificate shall be final and conclusive.

(d) *Inspection and certification.* During any period in which shipments of grapes are regulated pursuant to this section, each handler shall, prior to making each shipment of grapes, cause such shipment to be inspected by an authorized representative of the Federal State Inspection Service. Promptly thereafter, each such shipper shall submit or cause to be submitted to the Industry Committee a copy of the shipping point inspection certificate issued by the Federal State Inspection Service. *Provided,* That this provision shall not be applicable to: (1) any shipment of grapes which have been so inspected and the copy of such inspection certificate has been submitted to the Industry Committee; and (2) any shipment of grapes exempted under section 7 hereof.

(e) *Modification, suspension, or termination.* Whenever the Industry Committee deems it advisable to recommend to the Secretary the modification, sus-

pension, or termination of any or all of the regulations established pursuant to paragraph (a) or (b) of this section, it shall so recommend to the Secretary. If the Secretary finds, upon the basis of such recommendation or upon the basis of other available information, that to modify any such regulations will tend to effectuate the declared policy of the act, he shall so modify such regulations. If the Secretary finds, upon the basis of such recommendation or upon the basis of other available information, that any such regulations obstruct or do not tend to effectuate the declared policy of the act, he shall suspend or terminate such regulations. The Secretary shall immediately notify the Industry Committee, and such committee shall promptly give notice to handlers and growers of the issuance of each order modifying, suspending, or terminating any such regulations. In like manner and upon the same basis the Secretary may terminate any such modification or suspension.

SEC. 6. Reports. For the purpose of enabling the Industry Committee to perform its functions hereunder, each handler shall furnish, or authorize any or all railroad, transportation, and cold storage agencies to furnish, to the Industry Committee complete information, in such form and at such times, and substantiated in such manner as shall be prescribed by the Industry Committee, and approved by the Secretary, with respect to each shipment of grapes. Such reports may include the name of the shipper; car number; truck license number; boat identification; number of packages of grapes or the billing weight thereof, and the grade; the name of grower for whom such grapes are shipped; point of origin; destination; routing; and diversion. Such information shall be compiled by the Industry Committee and promptly made available, in summary form, to all handlers and other interested persons who request a copy thereof: *Provided*, That such compilation or summary shall not reveal the identity of the individual informants, shippers and growers. The Industry Committee shall not disclose to any person other than the Secretary any information that may be obtained pursuant to this section, except in the aforesaid manner.

SEC. 7. Grapes not subject to regulation. Nothing contained herein shall be construed to authorize any limitation of the right of any person to ship grapes for consumption by a charitable institution, for distribution for relief purposes, or for distribution by a relief agency. No assessments, pursuant to section 3 hereof, shall be levied on grapes so shipped, nor shall such grapes be required to be inspected pursuant to section 5 hereof. The Secretary may prescribe, on the basis of the recommendation and the information which may be submitted to the Secretary by the Industry Committee, or on the basis of any other available information, adequate safeguards to prevent grapes exempted by the provisions of this section from entering the commercial channels of trade for consumption in fresh form.

SEC. 8. Compliance. Except as provided herein, no handler shall ship any grapes, the shipment of which is prohibited by the Secretary in accordance with the provisions hereof; and no handler shall ship any grapes except in conformity with the provisions hereof.

SEC. 9. Right of the Secretary. All members (including alternate members and successors) of the Industry Committee, and persons appointed or employed by the committee, shall be subject to removal or suspension at any time by the Secretary. Each and every order, regulation, determination, decision, or other act of the committee shall be subject to the continuing right of the Secretary to disapprove such order, regulation, determination, decision, or other act at any time, and upon such disapproval, such action of the committee shall be deemed null and void, except as to acts done in reliance thereon or in compliance therewith prior to such disapproval by the Secretary. In the event the committee, for any reason, fails to perform its duties or exercise its powers hereunder, the Secretary may designate another agency to perform such duties and to exercise such powers.

SEC. 10. Effective time; suspension, and termination—(a) Effective time. The provisions hereof shall become effective at such time as the Secretary may declare above his signature attached hereto, and shall continue in force and effect until terminated in any of the ways hereinafter specified.

(b) Suspension; and termination. (1) The Secretary may, at any time, terminate the provisions hereof by giving at least one day's notice by means of a press release or in any other manner which he may determine. (2) The Secretary shall terminate or suspend the operation of any or all of the provisions hereof whenever he finds that such provisions obstruct or do not tend to effectuate the declared policy of the act.

(3) The Secretary shall terminate the provisions hereof at the end of any marketing season whenever he finds, by referendum or otherwise, that such termination is favored by the majority of growers who, during such representative period as may be determined by the Secretary, have been engaged in the production for market of grapes: *Provided*, That such majority have, during such representative period, produced for market more than fifty (50) percent of the volume of such grapes produced for market within the area; but such termination shall be effective only if announced on or before the last day of May of the then current marketing season.

(4) The provisions hereof shall, in any event, terminate whenever the provisions of the act authorizing them cease to be in effect.

(c) Proceedings after termination. (1) Upon the termination of the provisions hereof, the then members of the committee shall continue as joint trustees, for the purpose of liquidating the affairs of the committee, of all the funds and property then in the possession of or under control of the committee, its mem-

bers, or alternate members, including claims for any funds unpaid or property not delivered at the time of such termination. The rules to govern the activities of said trustees, including but not being limited to the determination as to whether action shall be taken by a majority vote of the trustees, shall be prescribed by the Secretary.

(2) The said trustees shall continue in such capacity until discharged by the Secretary, and shall, from time to time, account for all receipts and disbursements and deliver all property (including, but not being limited to, all books and records of the committee and of the trustees) to such person as the Secretary may designate, and shall, upon request of the Secretary, execute such assignments, or other instruments necessary or appropriate to vest in such designee full title and right to property and funds, and all claims vested in the committee or the trustees pursuant hereto.

(3) All persons to whom funds, property, or claims have been transferred or delivered by the committee or its members, pursuant to this section, shall be subject to the same obligations imposed upon the members of the committee and upon the said trustees.

(4) All funds collected for expenses pursuant to the provisions hereof and held by such trustees or such other persons, over and above amounts necessary to meet the obligations and the expenses incurred necessarily by the trustees or such other persons in the performance of their duties hereunder, shall, as soon as practicable after the termination hereof, be returned to the handlers in proportion to their contributions made pursuant hereto.

SEC. 11. Duration of immunities. The benefits, privileges, and immunities conferred upon any person by virtue hereof shall cease upon the termination hereof, except with respect to acts done under and during the existence hereof.

SEC. 12. Agents. The Secretary may, by designation in writing, name any person, including any officer or employee of the Government, or name any bureau or division in the United States Department of Agriculture, to act as his agent or representative in connection with any one or more of the provisions hereof.

SEC. 13. Derogation. Nothing contained herein is, or shall be construed to be, in derogation or in modification of the rights of the Secretary or of the United States to exercise any powers granted by the act or otherwise, or, in accordance with such powers, to act in the premises whenever such action is deemed advisable.

SEC. 14. Personal liability. No member or alternate member of the committee, nor any person appointed or employed by the committee, shall be held personally responsible, either individually or jointly with others, in any way whatsoever, to any handler or to any other person for errors in judgment, mistakes, or other acts, either of commission or omission, as such member, alternate member, appointee or employee, except for acts of dishonesty.

SEC. 15. *Separability.* If any provision hereof is declared invalid, or the applicability thereof to any person, circumstance, or thing is held invalid, the validity of the remainder hereof, or the applicability thereof to any other person, circumstance, or thing, shall not be affected thereby.

SEC. 16. *Amendments*—(a) *Proposals.* Amendments hereto may be proposed, from time to time, by the Industry Committee or by the Secretary.

(b) *Hearing and approval.* After due notice and hearing, and upon the execution of the proposed amendment by handlers who, during the preceding fiscal period, shipped not less than fifty (50) percent of the grapes shipped during such period, the Secretary may approve such amendment and it shall become effective at such time as the Secretary may designate: *Provided*, That in the event any amendment alters the manner in which the handling of grapes is regulated by this marketing agreement, the Secretary shall not approve such amendment unless he determines that such amendment is favored or approved by at least two-thirds ($\frac{2}{3}$) of the growers of grapes, who, during a representative period determined by the Secretary, have been engaged in the State of California in the production of grapes for market, or by growers of grapes, who, during such representative period, have produced, in the State of California, for market at least two-thirds ($\frac{2}{3}$) of the volume of grapes produced for market during such representative period.

SEC. 17. *Counterparts.** This marketing agreement may be executed in multiple counterparts and when one counterpart is signed by the Secretary, all such counterparts shall constitute, when taken together, one and the same instrument as if all signatures were contained in one original.

SEC. 18. *Additional parties.** After the effective time hereof, any handler who has not previously executed this marketing agreement may become a party hereto if a counterpart hereof is executed by him and delivered to the Secretary. This marketing agreement shall take effect as to each such new contracting party at the time such counterpart is delivered to the Secretary, and the benefits, privileges, and immunities conferred by this marketing agreement shall then be effective as to such new contracting party.

SEC. 19. *Effect of termination or amendment.* Unless otherwise expressly provided by the Secretary, the termination hereof or of any regulation issued pursuant hereto or the issuance of any amendment to either thereof, shall not (a) affect or waive any right, duty, obligation, or liability which shall have arisen or which may thereafter arise in connection with any provision hereof or any regulation issued hereunder, or (b) release or extinguish any violation hereof or of any regulation issued hereunder, or (c) affect or impair any right or remedy of the United States, or of the Secretary, or of any other person with respect to any such violation.

SEC. 20. *Order with marketing agreement.** Each signatory handler favors and approves the issuance of an order by the Secretary, regulating the handling of grapes in the same manner as is provided for in this marketing agreement; and each signatory handler hereby requests the Secretary to issue, pursuant to the act, such an order.

Copies of this notice of hearing may be obtained from the Hearing Clerk, United States Department of Agriculture, Room 1846, South Building, Washington 25, D. C., or from the Western Marketing Field Office of the Fruit and Vegetable Branch, Production and Marketing Administration, either at Room 221, California Fruit Building, Fourth and Jay Streets, Sacramento 14, California, or 2180 Milvia Street, Berkeley 1, California, or may be there inspected.

Dated: April 21, 1948, Washington, D. C.

[SEAL] S. R. NEWELL,
Acting Assistant Administrator.
[F. R. Doc. 48-3676; Filed, Apr. 23, 1948;
8:52 a. m.]

17 CFR, Part 953]

LEMONS GROWN IN CALIFORNIA AND ARIZONA

NOTICE OF PROPOSED RULE MAKING WITH RESPECT TO APPROVAL OF AMENDED BUDGET OF EXPENSES AND FIXING OF RATE OF ASSESSMENT FOR 1947-48 FISCAL YEAR

Consideration is being given to the following proposals submitted by the Lemon Administrative Committee, established under Marketing Agreement No. 84, as amended, and Order No. 53, as amended (7 CFR, Cum. Supp., 953.1 et seq., 13 F. R. 766), regulating the handling of lemons grown in the State of California or in the State of Arizona, as the agency to administer the terms and provisions thereof: (1) That the Secretary of Agriculture find that expenses not to exceed \$124,997.25 will be necessarily incurred during the fiscal year November 1, 1947 to October 31, 1948 for the maintenance and functioning of the said committee under the aforesaid amended marketing agreement and order, and (2) that the Secretary of Agriculture fix, as the share of such expenses which each handler who first handles lemons shall pay in accordance with the aforesaid amended marketing agreement and order during the aforesaid fiscal year, the rate of assessment at \$0.015 per box of lemons, or an equivalent quantity of lemons, handled by him as the first handler thereof during said fiscal year.

All persons who desire to submit written data, views, or arguments in connection with the aforesaid proposals shall file the same with the Hearing Clerk, Room 1844, South Building, United States Department of Agriculture, Washington 25, D. C., not later than the close of business on the 10th day after the publication of this notice in the FEDERAL REGISTER. All documents should be filed in quadruplicate.

(48 Stat. 31, 670, 675, 49 Stat. 750, 50 Stat. 246; U. S. C. 601 et seq., 7 CFR, Cum. Supp., 953.1 et seq.)

Issued this 21st day of April 1948.

[SEAL] N. E. DODD,
Acting Secretary of Agriculture.

[F. R. Doc. 48-3655; Filed, Apr. 23, 1948;
8:47 a. m.]

17 CFR, Part 962]

HANDLING OF FRESH PEACHES GROWN IN GEORGIA

DECISION WITH RESPECT TO PROPOSED AMENDMENTS TO MARKETING AGREEMENT AND ORDER

Pursuant to the rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders, as amended (7 CFR and Supp. 900.1 et seq., 12 F. R. 1159, 4904), a public hearing was held at Macon, Georgia, on January 30, 1948, pursuant to notice thereof which was published in the FEDERAL REGISTER (13 F. R. 329, 369) upon proposed amendments to Marketing Agreement No. 99, hereinafter referred to as the "marketing agreement", and Order No. 62 (7 CFR, Cum. Supp., Part 962) hereinafter referred to as the "order" regulating the handling of fresh peaches grown in the State of Georgia, to be made effective pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601, et seq.).

Upon the basis of the evidence introduced at the hearing and the record thereof, the Acting Assistant Administrator, Production and Marketing Administration, on March 12, 1948, filed with the Hearing Clerk, United States Department of Agriculture, the recommended decision in this proceeding. The notice of the filing of such recommended decision, together with the opportunity to file written exceptions thereto, was published in the FEDERAL REGISTER (13 F. R. 1379, 1456). No exception to the aforesaid recommended decision was filed.

The material issues, findings and conclusions, and the general findings of the recommended decision set forth in the FEDERAL REGISTER (F. R. Doc. 48-2293; 13 F. R. 1379, 1456) are hereby approved and adopted as the material issues, findings and conclusions, and general findings of this decision as if set forth in full herein.

Marketing agreement and order. Annexed hereto and made a part hereof are two documents entitled, respectively, "Agreement Amending the Marketing Agreement Regulating the Handling of Fresh Peaches Grown in the State of Georgia" and "Order Amending the Order Regulating the Handling of Fresh Peaches Grown in the State of Georgia" which have been decided upon as the appropriate and detailed means of effecting the foregoing conclusions. These documents shall not become effective unless and until the requirements of § 900.14 of the aforesaid rules of practice and procedure governing proceedings to formu-

late marketing agreements and marketing orders have been met.

It is hereby ordered, That all of this decision except the attached agreement amending the marketing agreement be published in the FEDERAL REGISTER. The regulatory provisions of the said agreement amending the marketing agreement are identical with those contained in the attached order amending the order which will be published with this decision.

This decision filed at Washington, D. C., this 21st day of April 1948.

[SEAL]

N. E. DODD,

Acting Secretary of Agriculture.

Order¹ Amending the Order Regulating the Handling of Fresh Peaches Grown in the State of Georgia

§ 962.0 *Findings and determinations*—(a) *Findings upon the basis of the hearing record.* Pursuant to the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the rules of practice and procedure effective thereunder (7 CFR and Supps., 900.1 et seq., 12 F. R. 1159, 4904) a public hearing was held at Macon, Georgia, on January 30, 1948, upon proposed amendments to the marketing agreement and Order No. 62, effective April 27, 1942, regulating the handling of fresh peaches grown in the State of Georgia. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as hereby amended and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(2) The said order as hereby amended regulates the handling of fresh peaches grown in the State of Georgia in the same manner as the afore-mentioned marketing agreement, as amended, effective as of the same time as the amendment of the said order, and the said order as hereby amended, is applicable only to persons in the respective classes of industrial and commercial activity specified in the marketing agreement upon which the hearing was held; and

(3) There are no differences in the production and marketing of peaches grown in the production area covered by said order as hereby amended that make necessary different terms and provisions applicable to different parts of such area.

The foregoing findings are supplementary and in addition to the findings made in connection with the issuance of the aforesaid order; and all of said previous findings are hereby ratified and affirmed except insofar as such findings may be in conflict with the findings set forth herein.

It is, therefore, ordered, That, on and after the effective date hereof, the handling of fresh peaches grown in the State of Georgia shall be in conformity to, and in compliance with, the terms and conditions of the aforesaid order as hereby

amended; and such order is hereby amended as follows:

1. Add to § 962.3 (b) the following: "and further amended by Public Law 305, 80th Cong., approved August 1, 1947."

2. In the parenthetical phrase in § 962.3 (f) insert, after "common," the words "or contract."

3. Delete § 962.4 (k) and insert, in lieu thereof, the following:

(k) *Compensation and reimbursement for expenses.* Each member of the Industry Committee, and each alternate member when acting for a member or when designated by the committee to attend, may receive compensation in an amount not in excess of five dollars (\$5.00) per day (1) for attending each meeting of the committee; (2) while attending to such committee business as may be authorized by the committee; and (3) for attending each consultation or conference with any committee, or representatives thereof, established under any marketing agreement and order program, pursuant to the act, with respect to the handling of peaches grown in the area or in any State outside of the area. In addition to said compensation, each of the aforesaid members and alternate members may be reimbursed for all reasonable expenses necessarily incurred in attending each such meeting, conference, or consultation, or while attending to such committee business.

4. Delete from § 962.4 (m) (8) the words after "grown," and insert, in lieu thereof, the following: "in the area or in any State outside of the area; and to authorize members and alternate members of the Distributors' Advisory Committee to attend such conferences and consultations;"

5. Delete the provisions in § 962.4 (m) (14) and insert, in lieu thereof, the following: "To supervise the regulation of shipments of peaches pursuant hereto;"

6. After (i) deleting the word "and" which follows the semicolon in § 962.4 (m) (16) and (ii) deleting the period at the end of § 962.4 (m) (17) and inserting "; and" in lieu of such period, add, at the end of § 962.4 (m) the following new provision:

(18) To investigate, from time to time, and to assemble data on the growing, harvesting, shipping, and marketing conditions with respect to peaches, and to engage in such research and service activities in connection with the handling of peaches as may be approved, from time to time, by the Secretary.

7. Delete § 962.4 (p) (5) and insert, in lieu thereof, the following:

(5) The Distributors' Advisory Committee may submit its recommendations to each meeting of the Industry Committee relative to recommendations with respect to the regulation of shipments pursuant hereto. When authorized in advance by the Industry Committee, members and alternate members of the Distributors' Advisory Committee may attend and participate in conferences and consultations with any other committee, or representative thereof, established under any marketing agreement and order program, pursuant to the act, with

respect to the handling of peaches grown in the area or in any State outside of the area.

8. Delete § 962.4 (p) (6) and insert, in lieu thereof, the following:

(6) Each member of the Distributors' Advisory Committee, and each alternate member when acting for a member, may receive from the Industry Committee compensation and reimbursement for all reasonable expenses necessarily incurred for attendance, when authorized in advance by the Industry Committee, at each meeting of the Distributors' Advisory Committee and at each conference or consultation, as aforesaid, and while attending to such business of the Distributors' Advisory Committee as may be approved by the Industry Committee.

(7) The rates of compensation and reimbursement for reasonable expenses incurred, as aforesaid, shall be the same as those applicable to members and alternate members of the Industry Committee.

9. Delete the first sentence in § 962.5 (a) and insert, in lieu thereof, the following: "The Industry Committee is authorized to incur such expenses as the Secretary may find are reasonable and are likely to be incurred by the committee during the then current fiscal period (1) for the maintenance and functioning of such committee and the Distributors' Advisory Committee, and (2) for such research and service activities relative to the handling of peaches as the Secretary may determine to be appropriate."

10. Delete that portion of the first sentence in § 962.5 (b) (1) which precedes the word "Provided" and insert, in lieu thereof, the following: "Each handler who first ships peaches shall, upon demand, pay to the Industry Committee such handler's pro rata share of the expenses which the Secretary finds will be incurred, as aforesaid, by the committee during such fiscal period."

11. Immediately preceding the period at the end of the first sentence in § 962.5 (b) (1) insert the following: "or (iii) any shipment made by express or parcel post, or (iv) shipments of peaches to any person during any day by such handler if such shipments, in the aggregate, do not exceed the equivalent of five (5) bushels"

12. Insert in § 962.5 (b) (2) the words "and activities" between the words "functions" and "hereunder" appearing in the third sentence thereof.

13. Delete the provisions in § 962.7 and insert, in lieu thereof, the following:

§ 962.7 *Minimum standards of quality and maturity*—(a) *Recommendations.* Whenever the Industry Committee deems it advisable to establish minimum standards of quality or maturity, or of both quality and maturity, to govern shipments of peaches pursuant to this section, it shall recommend to the Secretary the particular minimum standards which shipments of such peaches must meet. Each such recommendation of the committee shall be in terms of maturity requirements, freedom from damage by worms and worm holes, and freedom from decay, together with the applicable

¹ This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders have been met.

tolerances. At the time of submitting each such recommendation to the Secretary, the Industry Committee shall also submit the supporting data and information upon which it acted in making such recommendation. The said committee shall also furnish such other data and information as may be requested by the Secretary.

(b) *Establishment.* Whenever the Secretary finds, from the recommendation and information submitted by the Industry Committee, or from other available information, that to establish minimum standards of quality or maturity, or of both quality and maturity, for peaches and to limit the shipment of such peaches to those meeting such minimum standards would be in the public interest and would tend to effectuate the declared policy of the act, he shall establish such standards, and so limit the shipment of such peaches. The Secretary shall immediately notify the Industry Committee of the minimum standards so established.

(c) *Modification, suspension, or termination of minimum standards.* The Industry Committee may recommend to the Secretary the modification, suspension, or termination of any or all of the minimum standards established pursuant hereto. If the Secretary finds, upon the basis of such recommendation or upon the basis of other available information, that to modify any such minimum standards will tend to effectuate the declared policy of the act, he shall so modify such standards. If the Secretary finds, upon the basis of such recommendation or upon the basis of other available information that any such standards obstruct or do not tend to effectuate the declared policy of the act, he shall suspend or terminate such standards. The Secretary shall immediately notify the Industry Committee of each order modifying, suspending, or terminating any such minimum standards. In like manner and upon the same basis, the Secretary may terminate any such modification or suspension.

14. After deleting the word "or" which precedes "(c)" in the proviso in the first sentence of § 962.9, insert the following immediately preceding the period at the end of such sentence: "or (d) peaches shipped by express or parcel post, or peaches included in shipments of peaches to any person during any day by such handler if such shipments, in the aggregate, do not exceed the equivalent of five (5) bushels"

15. Insert the following provisions immediately preceding the words "shall be exempt" appearing in the first sentence of § 962.11. "or peaches shipped by express or parcel post, or peaches included in shipments of peaches to any person during any day by any handler if such shipments, in the aggregate, do not exceed the equivalent of five (5) bushels"

16. In the second sentence of § 962.11, substitute the word "may" for "shall," wherever the latter appears therein.

17. Delete the last sentence in § 962.14 (b) (3)

17 CFR, Part 9621

HANDLING OF FRESH PEACHES GROWN IN GEORGIA

ORDER DIRECTING THAT REFERENDUM BE CONDUCTED; DESIGNATION OF AGENTS TO CONDUCT REFERENDUM; DETERMINATION OF REPRESENTATIVE PERIOD

Pursuant to the applicable provisions of Public Act No. 10, 73d Congress (May 12, 1933) as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.) it is hereby directed that a referendum be conducted among the producers who, during the period March 1, 1947 to February 29, 1948, both dates inclusive (which period is hereby determined to be a representative period for the purpose of such referendum), were engaged in the State of Georgia in the production of peaches for market, to determine whether such producers favor the issuance of an order amending Order No. 62, effective April 27, 1942, regulating the handling of fresh peaches grown in the State of Georgia, which is attached to the decision of the Secretary of Agriculture filed simultaneously herewith.¹ D. M. Rubel, G. A. Nahstoll, and D. K. Young of the Fruit and Vegetable Branch, Production and Marketing Administration, United States Department of Agriculture, are hereby designated agents of the Secretary of Agriculture to perform, jointly or severally, the following functions in connection with the referendum:

(a) Conduct said referendum in the manner herein prescribed.

(1) By giving opportunity to each of the aforesaid producers to cast his ballot in the manner herein authorized, relative to the aforesaid amendments to the marketing agreement and order, on a copy of the appropriate ballot form. A cooperative association of such producers, bona fide engaged in marketing fresh peaches grown in the State of Georgia or in rendering services for or advancing the interests of the producers of such peaches, may vote for the producers who are members of, stockholders in, or under contract with, such cooperative association (such vote to be cast on a copy of the appropriate ballot form), and the vote of such cooperative association shall be considered as the vote of such producers.

(2) By giving public notice, as prescribed in (a) (3) hereof, (i) of the time during which the referendum will be conducted, (ii) that any ballot may be cast by mail, and (iii) that all ballots so cast must be addressed to D. K. Young, Chief, Southeastern Marketing Field Office, Fruit and Vegetable Branch, 449 West Peachtree Street, Northeast, Atlanta 3, Georgia, and the time prior to which such ballots must be postmarked.

(3) By giving public notice (i) by utilizing available agencies of public information (without advertising expense), including both press and radio facilities in the State of Georgia; (ii) by mailing a notice thereof (including a

copy of the appropriate ballot form) to each such cooperative association and to each producer whose name and address is known; and (iii) by such other means as said referendum agents or any of them may deem advisable.

(4) By conducting meetings of producers and arranging for balloting at the meeting places, if said referendum agents or any of them determines that voting shall be at meetings. At each such meeting, balloting shall continue until all of the producers who are present, and who desire to do so, have had an opportunity to vote. Any producer may cast his ballot at any such meeting in lieu of voting by mail.

(5) By giving ballots to producers at the meeting; and receiving any ballots when they are cast.

(6) By securing the name and address of each person casting a ballot, and inquiring into the eligibility of such person to vote in the referendum.

(7) By giving public notice of the time and place of any meetings authorized hereunder by posting a notice thereof, at least two days in advance of each such meeting, at each such meeting place, and in two or more public places within the applicable area; and, so far as may be practicable, by giving additional notice in the manner prescribed in paragraph (a) (4) hereof.

(8) By forwarding to D. K. Young, Chief, Southeastern Marketing Field Office, Fruit and Vegetable Branch, 449 West Peachtree Street, Northeast, Atlanta 3, Georgia, immediately after the close of the referendum, the following:

(i) A register containing the name and address of each producer to whom a ballot form was given;

(ii) A register containing the name and address of each producer from whom an executed ballot was received;

(iii) All of the ballots received by the respective referendum agent in connection with the referendum, together with a certificate to the effect that the ballots forwarded are all of the ballots cast and which were received by the respective agent during the referendum period;

(iv) A statement showing when and where each notice of referendum posted by said agent was posted and, if the notice was mailed to producers, the mailing list showing the names and addresses to which the notice was mailed and the time of such mailing; and

(v) A detailed statement reciting the method used in giving publicity to such referendum.

(9) By appointing any county agricultural agent in the State of Georgia, and any other persons deemed necessary or desirable, to assist the said referendum agents in performing their duties hereunder. Each such county agricultural agent and other person so appointed shall serve without compensation, and may be authorized by the said referendum agents or any of them to perform any or all of the functions set forth in paragraphs (a) (5) (6), (7) and (8) hereof (which, in the absence of such appointment of subagents, shall be performed by said referendum agents) in accordance with the requirements herein set forth.

PROPOSED RULE MAKING

(b) Upon receipt by D. K. Young of all ballots cast in accordance with the provisions hereof, and such other information and data as may be required pursuant hereto, he shall forward the ballots, together with the information and data, to the Fruit and Vegetable Branch, Production and Marketing Administration, United States Department of Agriculture, Washington 25, D. C. The Fruit and Vegetable Branch shall canvass the ballots and prepare and submit to the Secretary a detailed report covering the results of the referendum, the manner in which the referendum was conducted, the extent and kind of public notice given, and all other information pertinent to the full analysis of the referendum and its results.

(c) Each referendum agent and appointee pursuant hereto shall not refuse to accept a ballot submitted or cast; but should they or any of them, deem that a ballot should be challenged for any reason, or if such ballot is challenged by any other person, said agent or appointee shall endorse above his signature, on the back of said ballot, a statement that such ballot was challenged, by whom challenged, and the reasons therefor; and the number of such challenged ballots shall be stated when they are forwarded as provided herein.

(d) All ballots shall be treated as confidential.

The Director of the Fruit and Vegetable Branch, Production and Marketing Administration, United States Department of Agriculture, is hereby authorized to prescribe additional instructions, not inconsistent with the provisions hereof, to govern the procedure to be followed by the said referendum agents and appointees in conducting said referendum.

Copies of the aforesaid amendments to the marketing agreement and order may be examined in the Office of the Hearing Clerk, Office of the Solicitor, United States Department of Agriculture, Washington 25, D. C., and at the Southeastern Marketing Field Office, Fruit and Vegetable Branch, Production and Marketing Administration, United States Department of Agriculture, 449 West Peachtree Street, Northeast, Atlanta 3, Georgia.

Ballots to be cast in the referendum may be obtained from any referendum agent, and any appointee hereunder.

Done at Washington, D. C., this 21st day of April 1948.

[SEAL] N. E. DODD,
Acting Secretary of Agriculture.

[F. R. Doc. 48-3701; Filed, Apr. 23, 1948;
8:48 a. m.]

[7 CFR, Part 972]

[Docket No. AO-177-A5]

HANDLING OF MILK IN TRI-STATE MILK
MARKETING AREA

NOTICE OF POSTPONEMENT OF HEARING

Notice is hereby given that the hearing on certain proposed amendments to

the tentative marketing agreement and to the order, as amended, regulating the handling of milk in the Tri-State milk marketing area, heretofore scheduled (13 F. R. 1941) to begin at 10:00 a. m., e. s. t., at the Prichard Hotel, Huntington, West Virginia, on May 10, 1948, is postponed, and shall instead begin at the same place, at 10:00 a. m., e. s. t., on May 12, 1948.

[SEAL] S. R. NEWELL,
Acting Assistant Administrator

APRIL 21, 1948.

[F. R. Doc. 48-3677; Filed, Apr. 23, 1948;
8:52 a. m.]

CIVIL AERONAUTICS BOARD

[14 CFR, Parts 20, 22]

PILOT PHYSICAL EXAMINATIONS PRIOR TO
EXAMINATIONS AND TESTS

NOTICE OF PROPOSED RULE MAKING

Pursuant to authority delegated by the Civil Aeronautics Board to the Safety Bureau, notice is hereby given that the Bureau will propose to the Board amendments of Parts 20 and 22 of the Civil Air Regulations as hereinafter set forth.

Interested persons may participate in the making of the proposed rules by submitting such written data, views, or arguments as they may desire. Communications should be submitted to the Civil Aeronautics Board, attention Safety Bureau, Washington 25, D. C. All communications received within 15 days from date of this publication will be considered by the Board before taking further action on the proposed rules.

Sections 20.61 and 22.241 of the Civil Air Regulations provide that applicants for pilot certificates or lighter-than-air pilot certificates with private or commercial pilot rating shall meet the appropriate physical requirements prior to taking examinations and tests for such ratings. The knowledge requirements are met by accomplishing a written examination and the skill requirements by accomplishing the specified flight test.

The purpose of this amendment is to relieve the applicant from the necessity of taking the physical examination prior to the successful completion of the written examination. However, it will be necessary to complete the physical examination prior to accomplishing the flight test requirements.

It is proposed to amend Parts 20 and 22 as follows:

1. By amending § 20.61 to read as follows:

§ 20.61 *Physical examination.* Prior to taking the flight tests prescribed for the issuance of a private or commercial pilot rating, the applicant shall have met the appropriate physical requirements within the following periods of time:

(a) For a private rating within the preceding 24 months,

(b) For a commercial rating within the preceding 12 months.

2. By amending § 22.241 to read as follows:

§ 22.241 The appropriate physical examination prescribed for the original issuance of a lighter-than-air pilot certificate shall be passed prior to taking any practical examinations or test.

These amendments are proposed under the authority of Title VI of the Civil Aeronautics Act of 1938, as amended.

(Secs. 205 (a) 601-610, 52 Stat. 984, 1007-1012; 49 U. S. C. 425 (a), 551-560)

Dated April 21, 1948, at Washington, D. C.

By the Safety Bureau.

[SEAL] JOHN M. CHAMBERLAIN,
Assistant Director (Regulations)

[F. R. Doc. 48-3658; Filed, Apr. 23, 1948;
8:47 a. m.]

[14 CFR, Part 43]

ADEQUATE FUEL RESERVE FOR IFR FLIGHTS

NOTICE OF PROPOSED RULE MAKING

Pursuant to authority delegated by the Civil Aeronautics Board to the Safety Bureau, notice is hereby given that the Bureau will propose to the Board an amendment to Part 43 of the Civil Air Regulations as hereinafter set forth.

Interested persons may participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should be submitted to the Civil Aeronautics Board, attention Safety Bureau, Washington 25, D. C. All communications received within 30 days after date of this publication will be considered by the Board before taking further action on the proposed rule.

During the general revision of Part 60 it was decided that fuel requirements would be deleted from the air traffic rules as they were considered to be operating rules and should be placed in Part 43. The purpose of this amendment is to effectuate that decision.

It is proposed to amend Part 43 by adding a new § 43.412 to read as follows:

§ 43.412 *Fuel supply.* Aircraft operated under IFR conditions shall carry sufficient fuel, considering weather reports and forecast of wind and other weather conditions, to complete the flight to the point of first intended landing, then to fly to the alternate airport, and to fly thereafter for 45 minutes at normal cruising speed.

This amendment is proposed under the authority of Title VI of the Civil Aeronautics Act of 1938, as amended.

(Secs. 205 (a), 601 through 610 inclusive, 52 Stat. 984, 1007-1012; 49 U. S. C. 425 (a), 551-560)

Dated April 20, 1948, at Washington, D. C.

By the Safety Bureau.

[SEAL] JOHN M. CHAMBERLAIN,
Assistant Director (Regulations)

[F. R. Doc. 48-3659; Filed, Apr. 23, 1948;
8:49 a. m.]

NOTICES

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Misc. 2090671]

ALASKA

SHORE SPACE RESTORATION ORDER 399

APRIL 16, 1948.

Pursuant to the provisions of the act of June 5, 1920 (41 Stat. 1059, 48 U. S. C. 372) and in accordance with 43 CFR 4.275 (a) (56) (Departmental Order No. 2325 of May 24, 1947, 12 F. R. 3566) it is ordered as follows:

The 80-rod shore space reserve created under the act of May 14, 1898 (30 Stat. 409) as amended by the act of March 3, 1903 (32 Stat. 1028, 48 U. S. C. 371), is hereby revoked as to the lands hereinafter described.

At 10:00 a. m. on June 18, 1948, the lands shall, subject to valid existing rights and the provisions of existing withdrawals, become subject to application, petition, location, or selection as follows:

(a) *Ninety-day period for preference-right filings.* For a period of 90 days from June 18, 1948, to September 17, 1948, inclusive, the public lands affected by this order shall be subject to (1) application under the homestead laws, or the small tract act of June 1, 1938 (52 Stat. 609, 43 U. S. C. 682a) as amended, by qualified veterans of World War II, for whose service recognition is granted by the act of September 27, 1944 (58 Stat. 747, 43 U. S. C. Sup. 279-283) subject to the requirements of applicable law, and (2) application under any applicable public-land law, based on prior existing valid settlement rights and preference rights conferred by existing laws or equitable claims subject to allowance and confirmation. Applications by such veterans shall be subject to claims of the classes described in subdivision (2).

(b) *Twenty-day advance period for simultaneous preference-right filings.* For a period of 20 days from May 29, 1948, to June 18, 1948, inclusive, such veterans and persons claiming preference rights superior to those of such veterans, may present their applications, and all such applications, together with those presented at 10:00 a. m. on June 18, 1948, shall be treated as simultaneously filed.

(c) *Date for non-preference-right filings authorized by the public-land laws.* Commencing at 10:00 a. m. on September 18, 1948, any of the lands remaining unappropriated shall become subject to such application, petition, location, or selection by the public generally as may be authorized by the public-land laws.

(d) *Twenty-day advance period for simultaneous non-preference-right filings.* Applications by the general public may be presented during the 20-day period from August 30, 1948, to September 18, 1948, inclusive, and all such applications, together with those presented at 10:00 a. m. on September 18, 1948, shall be treated as simultaneously filed.

Veterans shall accompany their applications with certified copies of their certificates of discharge, or other satisfactory evidence of their military or naval service. Persons asserting preference rights, through settlement or otherwise, and those having equitable claims, shall accompany their applications by duly corroborated affidavits in support thereof, setting forth in detail all facts relevant to their claims.

Applications for these lands, which shall be filed in the District Land Office, Anchorage, Alaska, shall be acted upon in accordance with the regulations contained in § 295.8 of Title 43 of the Code of Federal Regulations (Circular No. 324, May 22, 1914, 43 L. D. 254), to the extent that such regulations are applicable. Applications under the homestead laws shall be governed by the regulations contained in Parts 65 and 66 of Title 43 of the Code of Federal Regulations and applications under the small tract act of June 1, 1938, shall be governed by the regulations contained in Part 257 of that title.

Inquiries concerning these lands shall be addressed to the Acting Manager, District Land Office, Anchorage, Alaska.

The lands affected by this order are described as follows:

Homesite No. 333, identified as U. S. Survey No. 2660, on the south shore of Boat-house Cove, Revillagigedo Island, containing 4.90 acres (homesite application of Gustav Evenson, Anchorage 09312).

A tract of land identified as U. S. Survey No. 2580 on the shore of Gastineau Channel, containing approximately 5 acres (homesite application of John L. Wilson, Anchorage 010104).

A tract of land described as Lot "O" of the Toten Bight Group of Homesites, U. S. Survey No. 2606, on the Tongass Narrows, containing 2.69 acres (homesite application of Harry Bolt, Anchorage 010342).

A tract of land described as Lot "C" of the Pearl Harbor Group of Homesites, U. S. Survey No. 2517, on Pearl Harbor, containing 1.93 acres (homesite application of John Nowicka, Anchorage 010403).

A tract of land described as Lot 16 of the Hood Bay Group of Homesites, U. S. Survey No. 2412, on Hood Bay, Admiralty Island, containing 3.51 acres (homesite application of Hermod Sigurd Waldemar, Anchorage 010418).

A tract of land described as Lot "P" of the Clover Pass Group of Homesites, U. S. Survey No. 2555, on Knudsen Cove, containing 4.73 acres (homesite application of Margaret McCombs, Anchorage 010437).

A tract of land located on Kodiak Island, fronting on St. Paul Harbor, containing approximately 3½ acres (homesite application of Rasmus Olsen Urdahl, Anchorage 010505).

A tract of land described as Lot C-1 of the Auke Bay Group of Homesites, U. S. Survey No. 2389, containing 2.78 acres (homesite application of William E. Ellroy, Anchorage 010635).

The lands described aggregate 29.09 acres.

Reports of field examinations show that the lands above-described are not used or needed for landing or harborage purposes, and no objection exists to the restoration of the lands from the 80-rod shore space reserve. These lands which

are embraced in pending homesite applications, have been continuously occupied for many years, and the applicants have erected habitable houses and other improvements upon the lands.

THOS. C. HAVELL,
Assistant Director.

[F. R. Doc. 48-3640; Filed, Apr. 23, 1948; 8:45 a. m.]

[Misc. 2030371]

ALASKA

SHORE SPACE RESTORATION ORDER 400

APRIL 16, 1948.

Pursuant to the provisions of the act of June 5, 1920 (41 Stat. 1059, 48 U. S. C. 372) and in accordance with 43 CFR 4.275 (a) (56) (Departmental Order No. 2325 of May 24, 1947, 12 F. R. 3566) it is ordered as follows:

The 80-rod shore space reserve created under the act of May 14, 1898 (30 Stat. 409), as amended by the act of March 3, 1903 (32 Stat. 1028, 48 U. S. C. 371) is hereby revoked as to the lands hereinafter described.

At 10:00 a. m. on June 18, 1948, the lands shall, subject to valid existing rights and the provisions of existing withdrawals, become subject to application, petition, location, or selection as follows:

(a) *Ninety-day period for preference-right filings.* For a period of 90 days from June 18, 1948, to September 17, 1948, inclusive, the public lands affected by this order shall be subject to (1) application under the homestead laws, or the small tract act of June 1, 1938 (52 Stat. 609, 43 U. S. C. 682a), as amended, by qualified veterans of World War II, for whose service recognition is granted by the act of September 27, 1944 (58 Stat. 747, 43 U. S. C. Sup. 279-283), subject to the requirements of applicable law, and (2) application under any applicable public-land law, based on prior existing valid settlement rights and preference rights conferred by existing laws or equitable claims subject to allowance and confirmation. Applications by such veterans shall be subject to claims of the classes described in subdivision (2).

(b) *Twenty-day advance period for simultaneous preference-right filings.* For a period of 20 days from May 23, 1948 to June 18, 1948, inclusive, such veterans and persons claiming preference rights superior to those of such veterans, may present their applications, and all such applications, together with those presented at 10:00 a. m. on June 18, 1948, shall be treated as simultaneously filed.

(c) *Date for non-preference-right filings authorized by the public-land laws.* Commencing at 10:00 a. m. on September 18, 1948, any of the lands remaining unappropriated shall become subject to such application, petition, location, or selection by the public generally as may be authorized by the public-land laws.

(d) *Twenty-day advance period for simultaneous non-preference-right filings.* Applications by the general public may be presented during the 20-day period from August 30, 1948, to September 18, 1948, inclusive, and all such applications, together with those presented at 10:00 a. m. on September 18, 1948, shall be treated as simultaneously filed.

Veterans shall accompany their applications with certified copies of their certificates of discharge, or other satisfactory evidence of their military or naval service. Persons asserting preference rights, through settlement or otherwise, and those having equitable claims, shall accompany their applications by duly corroborated affidavits in support thereof, setting forth in detail all facts relevant to their claims.

Applications for these lands, which shall be filed in the District Land Office at Anchorage, Alaska, shall be acted upon in accordance with the regulations contained in § 295.8 of Title 43 of the Code of Federal Regulations (Circular No. 324, May 22, 1914, 43 L. D. 254), to the extent that such regulations are applicable. Applications under the homestead laws shall be governed by the regulations contained in Parts 65 and 66 of Title 43 of the Code of Federal Regulations and applications under the small tract act of June 1, 1938, shall be governed by the regulations contained in Part 259 of that title.

Inquiries concerning these lands shall be addressed to the Acting Manager, District Land Office, Anchorage, Alaska.

The lands affected by this order are described as follows:

A tract of land on the southeast edge of Nornek or Pump Lake, identified as U. S. Survey No. 2349, containing approximately 2 acres (soldiers' additional homestead application of A. R. Davey, Anchorage 08740).

A tract of land on the south shore of Nornek or Pump Lake, identified as U. S. Survey No. 2456, containing approximately 1 acre (soldiers' additional homestead application of Burt Ruoff, Anchorage 09427).

The lands described aggregate approximately 3 acres.

These tracts, which are embraced in pending soldiers' additional homestead applications, are situated on Nornek Lake near the Village of Naknek. Although Nornek Lake is used primarily for airplane landing and take-off operations, such landings and take-offs are made at the east end of the lake at the foot of the road leading to Naknek Village. These tracts are about three-quarters of a mile from this road, and are not used or needed for landing or harborage purposes.

THOS. C. HAVELL,
Assistant Director

[F. R. Doc. 48-3641; Filed, Apr. 23, 1948;
8:45 a. m.]

[Misc. 2090671]

ALASKA

SHORE SPACE RESTORATION ORDER 401

APRIL 16, 1948.

Pursuant to the provisions of the act of June 5, 1920 (41 Stat. 1059, 48 U. S. C.

372), and in accordance with 43 CFR 4.275 (a) (56) (Departmental Order No. 2325 of May 24, 1947, 12 F. R. 3566), it is ordered as follows:

The 80-rod shore space reserve created under the act of May 14, 1898 (30 Stat. 409) as amended by the act of March 3, 1903 (32 Stat. 1028, 48 U. S. C. 371) is hereby revoked as to the lands hereinafter described.

At 10:00 a. m. on June 18, 1948, the lands shall, subject to valid existing rights and the provisions of existing withdrawals, become subject to application, petition, location, or selection as follows:

(a) *Ninety-day period for preference-right filings.* For a period of 90 days from June 18, 1948, to September 17, 1948, inclusive, the public lands affected by this order shall be subject to (1) application under the homestead laws, or the small tract act of June 1, 1938 (52 Stat. 609, 43 U. S. C. 682a) as amended, by qualified veterans of World War II, for whose service recognition is granted by the act of September 27, 1944 (58 Stat. 747, 43 U. S. C. Sup. 279-283) subject to the requirements of applicable law, and (2) application under any applicable public-land law, based on prior existing valid settlement rights and preference rights conferred by existing laws or equitable claims subject to allowance and confirmation. Applications by such veterans shall be subject to claims of the classes described in subdivision (2)

(b) *Twenty-day advance period for simultaneous preference-right filings.* For a period of 20 days from May 29, 1948 to June 18, 1948, inclusive, such veterans and persons claiming preference rights superior to those of such veterans, may present their applications, and all such applications, together with those presented at 10:00 a. m. on June 18, 1948, shall be treated as simultaneously filed.

(c) *Date for non-preference-right filings authorized by the public-land laws.* Commencing at 10:00 a. m. on September 18, 1948, any of the lands remaining unappropriated shall become subject to such application, petition, location, or selection by the public generally as may be authorized by the public-land laws.

(d) *Twenty-day advance period for simultaneous non-preference-right filings.* Applications by the general public may be presented during the 20-day period from August 30, 1948, to September 18, 1948, inclusive, and all such applications, together with those presented at 10:00 a. m. on September 18, 1948, shall be treated as simultaneously filed.

Veterans shall accompany their applications with certified copies of their certificates of discharge, or other satisfactory evidence of their military or naval service. Persons asserting preference rights, through settlement or otherwise, and those having equitable claims, shall accompany their applications by duly corroborated affidavits in support thereof, setting forth in detail all facts relevant to their claims.

Applications for these lands, which shall be filed in the District Land Office at Fairbanks, Alaska, shall be acted upon in accordance with the regulations contained in § 295.8 of Title 43 of the Code of Federal Regulations (Circular No. 324,

May 22, 1914, 43 L. D. 254), to the extent that such regulations are applicable. Applications under the homestead laws shall be governed by the regulations contained in Parts 65 and 66 of Title 43 of the Code of Federal Regulations and applications under the desert land laws and the small tract act of June 1, 1938, shall be governed by the regulations contained in Part 257 of that title.

Inquiries concerning these lands shall be addressed to the Acting Manager, District Land Office, Fairbanks, Alaska.

The lands affected by this order are described as follows:

FAIRBANKS MERIDIAN

T. 1 S., R. 1 W., sec. 8, lots 9 and 12.

The area described contains 79.70 acres.

The above-described lands are located along the Chena River, but are not suitable, used, or needed for landing or harborage purposes. On March 27, 1941, David H. Joesting filed an application for amendment to include these lots in his homestead entry Fairbanks 04404, upon which he submitted final proof August 17, 1943.

THOS. C. HAVELL,
Assistant Director

[F. R. Doc. 48-3642; Filed, Apr. 23, 1948;
8:45 a. m.]

[Misc. 16390]

CALIFORNIA

RESTORATION ORDER 1241 UNDER FEDERAL
POWER ACT

APRIL 16, 1948.

Pursuant to the determination of the Federal Power Commission (DA-660, California) and in accordance with 43 CFR 4.275 (a) (16) (Departmental Order No. 2238 of August 16, 1946, 11 F. R. 9080), it is ordered as follows:

The land hereinafter described which was reserved for Power Site Reserve No. 248 by Executive Order of February 17, 1912, and included in Power Site Classification No. 122 on December 18, 1925, is hereby opened to disposition under the public land laws, subject to the provisions of section 24 of the Federal Power Act of June 10, 1920 (41 Stat. 1063), as amended by the act of August 26, 1935 (49 Stat. 846, 16 U. S. C. 818)

At 10:00 a. m. on June 18, 1948, the lands shall, subject to valid existing rights and the provisions of existing withdrawals, become subject to application, petition, location, or selection as follows:

(a) *Ninety-day period for preference-right filings.* For a period of 90 days from June 18, 1948, to September 17, 1948, inclusive, the public lands affected by this order shall be subject to (1) application under the homestead or the desert land laws, or the small tract act of June 1, 1938 (52 Stat. 609, 43 U. S. C. 682a), as amended, by qualified veterans of World War II, for whose service recognition is granted by the act of September 27, 1944 (58 Stat. 747, 43 U. S. C. Sup. 279-283) subject to the requirements of applicable law, and (2) application under any applicable public-land

law, based on prior existing valid settlement rights and preference rights conferred by existing laws or equitable claims subject to allowance and confirmation. Applications by such veterans shall be subject to claims of the classes described in subdivision (2)

(b) *Twenty-day advance period for simultaneous preference-right filings.* For a period of 20 days from May 29, 1948, to June 18, 1948, inclusive, such veterans and persons claiming preference rights superior to those of such veterans, may present their applications, and all such applications, together with those presented at 10:00 a. m. on June 18, 1948, shall be treated as simultaneously filed.

(c) *Date for non-preference-right filings authorized by the public-land laws.* Commencing at 10:00 a. m. on September 18, 1948, any of the lands remaining unappropriated shall become subject to such application, petition, location, or selection by the public generally as may be authorized by the public-land laws.

(d) *Twenty-day advance period for simultaneous non-preference-right filings.* Applications by the general public may be presented during the 20-day period from August 30, 1948, to September 18, 1948, inclusive, and all such applications, together with those presented at 10:00 a. m. on September 18, 1948, shall be treated as simultaneously filed.

Veterans shall accompany their applications with certified copies of their certificates of discharge, or other satisfactory evidence of their military or naval service. Persons asserting preference rights, through settlement or otherwise, and those having equitable claims, shall accompany their applications by duly corroborated affidavits in support thereof, setting forth in detail all facts relevant to their claims.

Applications for these lands, which shall be filed in the District Land Office at Sacramento, California, shall be acted upon in accordance with the regulations contained in § 295.8 of Title 43 of the Code of Federal Regulations (Circular No. 324, May 22, 1914, 43 L. D. 254) and Part 296 of that title, to the extent that such regulations are applicable. Applications under the homestead laws shall be governed by the regulations contained in Parts 166 to 170, inclusive, of Title 43 of the Code of Federal Regulations and applications under the desert land laws and the small tract act of June 1, 1938, shall be governed by the regulations contained in Parts 232 and 257, respectively, of that title.

Inquiries concerning these lands shall be addressed to the Acting Manager, District Land Office, Sacramento, California.

The lands affected by this order are described as follows:

MOUNT DIABLO MERIDIAN

T. 35 N., R. 1 W., sec. 2, lot 10 (SW¼NE¼).

The area described contains 40 acres. Available data indicate that this land is generally rough, rocky, and mountainous in character.

THOS. C. HAVELL,
Assistant Director.

[F. R. Doc. 48-3643; Filed, Apr. 23, 1948; 8:45 a. m.]

[Misc. 23254]

CALIFORNIA

RESTORATION ORDER 1249 UNDER FEDERAL POWER ACT

APRIL 16, 1948.

Pursuant to the determination of the Federal Power Commission (DA-669, California) and in accordance with 43 CFR 4.275 (a) (16) (Departmental Order No. 2238 of August 16, 1946, 11 F. R. 9080), it is ordered as follows:

The land hereinafter described which was reserved for Power Site Reserve No. 219 by Executive Order of November 28, 1911, and included in Power Project No. 936, is hereby opened to disposition under the public land laws, subject to the provisions of section 24 of the Federal Power Act of June 10, 1920 (41 Stat. 1063), as amended by the act of August 28, 1935 (49 Stat. 846, 16 U. S. C. 818).

At 10:00 a. m. on June 18, 1948, the lands shall, subject to valid existing rights and the provisions of existing withdrawals, become subject to application, petition, location, or selection as follows:

(a) *Ninety-day period for preference-right filings.* For a period of 90 days from June 18, 1948, to September 17, 1948, inclusive, the public lands affected by this order shall be subject to (1) application under the homestead or the desert land laws, or the small tract act of June 1, 1938 (52 Stat. 609, 43 U. S. C. 682a), as amended, by qualified veterans of World War II, for whose service recognition is granted by the act of September 27, 1944 (58 Stat. 747, 43 U. S. C. Sup. 279-283), subject to the requirements of applicable law, and (2) application under any applicable public-land law, based on prior existing valid settlement rights and preference rights conferred by existing laws or equitable claims subject to allowance and confirmation. Applications by such veterans shall be subject to claims of the classes described in subdivision (2).

(b) *Twenty-day advance period for simultaneous preference-right filings.* For a period of 20 days from May 29, 1948 to June 18, 1948, inclusive, such veterans and persons claiming preference rights superior to those of such veterans, may present their applications, and all such applications, together with those presented at 10:00 a. m. on June 18, 1948, shall be treated as simultaneously filed.

(c) *Date for non-preference-right filings authorized by the public-land laws.* Commencing at 10:00 a. m. on September 18, 1948, any of the lands remaining unappropriated shall become subject to such application, petition, location, or selection by the public generally as may be authorized by the public-land laws.

(d) *Twenty-day advance period for simultaneous non-preference-right filings.* Applications by the general public may be presented during the 20-day period from August 30, 1948, to September 18, 1948, inclusive, and all such applications, together with those presented at 10:00 a. m. on September 18, 1948, shall be treated as simultaneously filed.

Veterans shall accompany their applications with certified copies of their certificates of discharge, or other satisfactory evidence of their military or naval

service. Persons asserting preference rights, through settlement or otherwise, and those having equitable claims, shall accompany their applications by duly corroborated affidavits in support thereof, setting forth in detail all facts relevant to their claims.

Applications for these lands, which shall be filed in the District Land Office at Sacramento, California, shall be acted upon in accordance with the regulations contained in § 295.8 of Title 43 of the Code of Federal Regulations (Circular No. 324, May 22, 1914, 43 L. D. 254) and Part 296 of that title, to the extent that such regulations are applicable. Applications under the homestead laws shall be governed by the regulations contained in Parts 166 to 170, inclusive, of Title 43 of the Code of Federal Regulations and applications under the desert land laws and the small tract act of June 1, 1938, shall be governed by the regulations contained in Parts 232 and 257, respectively, of that title.

Inquiries concerning these lands shall be addressed to the Acting Manager, District Land Office, Sacramento, California.

The lands affected by this order are described as follows:

HUMBOLDT MERIDIAN

T. 5 S., R. 7 E., sec. 35, SE¼NE¼ and NE¼SE¼.

The area described contains 80 acres. Available data indicate that this land varies from rough and rocky to mountainous in character.

THOS. C. HAVELL,
Assistant Director.

[F. R. Doc. 48-3644; Filed, Apr. 23, 1948; 8:45 a. m.]

[Misc. 5531]

FLORIDA

RESTORATION ORDER 1240 UNDER FEDERAL POWER ACT

APRIL 16, 1948.

Pursuant to the determination of the Federal Power Commission (DA-6, Florida) and in accordance with 43 CFR 4.275 (a) (16) (Departmental Order No. 2238 of August 16, 1946, 11 F. R. 9080), it is ordered as follows:

The lands hereinafter described which were reserved for P. P. Nos. 642, 643, 644, and 645, on August 27, 1925 are hereby opened to disposition under the public land laws, subject to the provisions of section 24 of the Federal Power Act of June 10, 1920 (41 Stat. 1063) as amended by the act of August 26, 1935 (49 Stat. 846, 16 U. S. C. 818).

At 10:00 a. m. on June 18, 1948, the lands shall, subject to valid existing rights and the provisions of existing withdrawals, become subject to application, petition, location, or selection as follows:

(a) *Ninety-day period for preference-right filings.* For a period of 90 days from June 18, 1948, to September 17, 1948, inclusive, the public lands affected by this order shall be subject to (1) application under the homestead laws, or the small tract act of June 1, 1938 (52

Stat. 609, 43 U. S. C. 682a) as amended, by qualified veterans of World War II, for whose service recognition is granted by the act of September 27, 1944 (58 Stat. 747, 43 U. S. C. Sup. 279-283) subject to the requirements of applicable law, and (2) application under any applicable public-land law, based on prior existing valid settlement rights and preference rights conferred by existing laws or equitable claims subject to allowance and confirmation. Applications by such veterans shall be subject to claims of the classes described in subdivision (2)

(b) *Twenty-day advance period for simultaneous preference-right filings.* For a period of 20 days from May 29, 1948, to June 18, 1948, inclusive, such veterans and persons claiming preference rights superior to those of such veterans, may present their applications, and all such applications, together with those presented at 10:00 a. m. on June 18, 1948, shall be treated as simultaneously filed.

(c) *Date for non-preference-right filings authorized by the public-land laws.* Commencing at 10:00 a. m. on September 18, 1948, any of the lands remaining unappropriated shall become subject to such application, petition, location, or selection by the public generally as may be authorized by the public-land laws.

(d) *Twenty-day advance period for simultaneous non-preference-right filings.* Applications by the general public may be presented during the 20-day period from August 30, 1948, to September 18, 1948, inclusive, and all such applications, together with those presented at 10:00 a. m. on September 18, 1948, shall be treated as simultaneously filed.

Veterans shall accompany their applications with certified copies of their certificates of discharge, or other satisfactory evidence of their military or naval service. Persons asserting preference rights, through settlement or otherwise, and those having equitable claims, shall accompany their applications by duly corroborated affidavits in support thereof, setting forth in detail all facts relevant to their claims.

Applications for these lands, which shall be filed in Bureau of Land Management, Washington 25, D. C., shall be acted upon in accordance with the regulations contained in § 295.8 of Title 43 of the Code of Federal Regulations (Circular No. 324, May 22, 1914, 43 L. D. 254), and Part 296 of that title, to the extent that such regulations are applicable. Applications under the homestead laws shall be governed by the regulations contained in Parts 166 to 170, inclusive, of Title 43 of the Code of Federal Regulations and applications under the small tract act of June 1, 1938, shall be governed by the regulations contained in Part 257 of that title.

Inquiries concerning these lands shall be addressed to the Director, Bureau of Land Management, Washington 25, D. C.

The lands affected by this order are described as follows:

TALLAHASSEE MERIDIAN

T. 2 N., R. 16 E., Sec. 21, lot 6;
T. 1 N., R. 21 E., fractional sec. 9;
T. 2 N., R. 21 E., fractional sec. 32;

T. 1 N., R. 23 E., Sec. 20, lot 5;
T. 4 S., R. 11 E.,
Sec. 8, lot 8;
Sec. 35, lot 1;
Sec. 36, lot 3;
T. 6 S., R. 14 E., Sec. 20, S½ of lots 7 and 8 (S½SE¼);
T. 1 S., R. 21 E., fractional sec. 36;
T. 1 S., R. 22 E., fractional sec. 36;
T. 1 S., R. 23 E., fractional sec. 6.

The areas described aggregate 354.03 acres.

Available data indicate these lands to be generally low, flat, and swampy in character.

THOS C. HAVELL,
Assistant Director.

[F. R. Doc. 48-3645; Filed, Apr. 23, 1948;
8:46 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

MODIFICATION OF LICENSES ISSUED TO THE CIVIL AIR PATROL

ORDER MODIFYING OUTSTANDING LICENSES

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 14th day of April 1948;

The Commission having under consideration a request from the Civil Air Patrol to permit the use of A2 emission in addition to voice emission by the various stations currently licensed to the Civil Air Patrol; and

It appearing, that the frequencies presently assigned Civil Air Patrol stations are Department of the Army frequencies made available to the Commission for assignment to such stations by the Chief Signal Officer; and

It further appearing, that the Chief Signal Officer in coordination with the Air Communications Officer has concurred in the request for the use of A2 emission in order to facilitate various phases of training; and

It further appearing, that such use will not involve any change in the Commission's rules and regulations:

It is ordered, That effective immediately all outstanding licenses of the Civil Air Patrol authorized to operate on the frequency 148140 kc with A3 emission are modified to include the use of A2 emission.

It is further ordered, That a copy of this order be attached to and made a part of all outstanding Civil Air Patrol licenses.

Released: April 14, 1948.

By the Commission.

[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 48-3660; Filed, Apr. 23, 1948;
8:49 a. m.]

[Docket No. 8008]

EUGENE BROADCAST STATION (KORE)

ORDER CONTINUING HEARING

In re application of Violet G. Hill Motter and Violet G. Hill Motter, administratrix of the estate of Frank L. Hill, de-

ceased, d/h as Eugene Broadcast Station (KORE), Eugene, Oregon, Docket No. 8008, File No. BP-5470; for construction permit.

The Commission having under consideration a petition filed April 7, 1948, by Violet G. Hill Motter and Violet G. Hill Motter, Administratrix of the estate of Frank L. Hill, deceased, d/b as Eugene Broadcast Station (KORE), Eugene, Oregon, requesting a thirty-day continuance of the hearing now scheduled for April 20, 1948, on its above-entitled application for construction permit;

It is ordered, This 16th day of April 1948, that the petition be, and it is hereby, granted; and that the said hearing be, and it is hereby, continued to 10:00 a. m., Friday, May 21, 1948, at Washington, D. C.

By the Commission.

[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 48-3664; Filed, Apr. 23, 1948;
8:50 a. m.]

[Docket No. 8301]

RIDSON, INC. (WDSM)

ORDER CONTINUING HEARING

In re application of Ridson, Incorporated (WDSM), Superior, Wisconsin, Docket No. 8301, File No. BP-5338; for construction permit.

Whereas, the above-entitled application is scheduled to be heard at Washington, D. C., on April 14, 1948; and

Whereas, there is pending before the Commission a petition filed March 8, 1948, by Ridson, Incorporated (WDSM) requesting removal of the above-entitled application from the hearing docket, and an opposition thereto filed March 30, 1948, by Bamberger Broadcasting Service, Incorporated (WOR), New York, New York, a party to the proceeding on the above-entitled application;

It is ordered, This 13th day of April 1948, that the said hearing be, and it is hereby, continued to 10:00 a. m., Monday, May 3, 1948, at Washington, D. C.

By the Commission.

[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 48-3671; Filed, Apr. 23, 1948;
8:51 a. m.]

[Docket No. 8349]

McCLATCHY BROADCASTING Co. (KERN)

ORDER CONTINUING HEARING

In re application of McClatchy Broadcasting Company (KERN), Bakersfield, California, Docket No. 8349, File No. BP-5974; for construction permit.

The Commission having under consideration a petition filed April 8, 1948, by McClatchy Broadcasting Company (KERN), Bakersfield, California, requesting a continuance for approximately sixty days of the hearing on its above-entitled application for construction permit, now scheduled for April 20, 1948, at Washington, D. C.

It is ordered, This 16th day of April 1948, that the petition be, and it is hereby granted; and that the said hearing be, and it is hereby, continued to 10:00 a. m., Monday, June 21, 1948, at Washington, D. C.

By the Commission.

[SEAL]

T. J. SLOWIE,
Secretary.

[F. R. Doc. 48-3666; Filed, Apr. 23, 1948;
8:50 a. m.]

[Docket No. 8523]

FOULKROD RADIO ENGINEERING CO.
(WTEL)

ORDER CONTINUING HEARING

In re application of Foulkrod Radio Engineering Company (WTEL), Philadelphia, Pennsylvania, for renewal of license. Docket No. 8523, File No. BR-355.

The Commission having under consideration a petition filed April 8, 1948, by Foulkrod Radio Engineering Company (WTEL) Philadelphia, Pennsylvania, requesting a continuance to May 20, 1948, of the hearing on its above-entitled application for renewal of license, now scheduled for April 20, 1948;

It is ordered, This 16th day of April 1948, that the petition be, and it is hereby granted; and that the said hearing be, and it is hereby, continued to 10:00 a. m., Thursday, May 20, 1948, at Philadelphia, Pennsylvania.

[SEAL]

T. J. SLOWIE,
Secretary.

[F. R. Doc. 48-3667; Filed, Apr. 23, 1948;
8:50 a. m.]

[Docket Nos. 8656, 8670]

GRAND HAVEN BROADCASTING CO. AND
GREATER MUSKEGON BROADCASTERS, INC.
(WMUS)

ORDER CONTINUING HEARING

In re applications of Grand Haven Broadcasting Company, Grand Haven, Michigan, Docket No. 8656, file No. BP-6441, Greater Muskegon Broadcasters, Inc. (WMUS) Muskegon, Michigan, Docket No. 8670, file No. BP-6445; for construction permits.

The Commission having under consideration a petition filed April 7, 1948, by Grand Haven Broadcasting Company, Grand Haven, Michigan, requesting that the Commission continue the further hearing now scheduled for April 19, 1948, on its above-entitled application and the above-entitled application of Greater Muskegon Broadcasters, Inc. (WMUS), Muskegon, Michigan, to a date at least ten days after the Commission disposes of its pending petition for review, filed April 1, 1948, directed against the Motions Commissioner's action of March 30, 1948, reopening the record in the said hearing and enlarging the issues in the said proceeding;

It appearing, that continuance of the proceeding on the above-entitled applications to May 6, 1948, at Washington,

D. C., is more desirable administratively than a continuance for an indefinite period;

It is ordered, This 14th day of April 1948, that the petition be, and it is hereby granted; but that the said further hearing on the above-entitled applications be, and it is hereby, continued to 10:00 a. m., Thursday, May 6, 1948, at Washington, D. C.

By the Commission.

[SEAL]

T. J. SLOWIE,
Secretary.

[F. R. Doc. 48-3670; Filed, Apr. 23, 1948;
8:51 a. m.]

[Docket Nos. 8661, 8662, 8781]

NEW ENGLAND TELEVISION CO., INC., ET AL.

ORDER CONTINUING HEARING

In re applications of New England Television Company, Inc., Fall River, Massachusetts, Docket No. 8661, File No. BPCT-209; E. Anthony & Sons, Inc., New Bedford, Massachusetts, Docket No. 8662, File No. BPCT-217; Fall River Herald News Publishing Company, Fall River, Massachusetts, Docket No. 8781, File No. BPCT-301.

The Commission having under consideration a petition filed April 9, 1948, by the Fall River Herald News Publishing Company, Fall River, Massachusetts, requesting a continuance from April 21, 1948, to May 5, 1948, of the hearing now scheduled in the above-entitled proceeding;

It is ordered, This 16th day of April 1948, that the petition be, and it is hereby granted; and that the said hearing be, and it is hereby, continued to 10:00 a. m., Wednesday, May 5, 1948, and May 6, 1948, at Fall River, Massachusetts, and May 7, 1948, at New Bedford, Massachusetts.

By the Commission.

[SEAL]

T. J. SLOWIE,
Secretary.

[F. R. Doc. 48-3665; Filed, Apr. 23, 1948;
8:50 a. m.]

[Docket Nos. 8679, 8680]

LOUIS G. BALTIMORE AND WYOMING VALLEY
BROADCASTING CO.

ORDER CONTINUING HEARING

In re applications of Louis G. Baltimore, Wilkes-Barre, Pennsylvania, Docket No. 8679, File No. BPCT-134; Wyoming Valley Broadcasting Company, Wilkes-Barre, Pennsylvania, Docket No. 8680, File No. BPCT-231, for construction permits.

The Commission having under consideration a petition filed April 12, 1948, by Wyoming Valley Broadcasting Company, Wilkes-Barre, Pennsylvania, requesting a continuance of the consolidated hearing on its above-entitled application for construction permit and the above-entitled application of Louis G. Baltimore, Wilkes-Barre, Pennsylvania, for a period not more than 19 days from the scheduled date, April 19, 1948;

It appearing, that counsel for both parties have orally agreed to a continuance of the hearing to May 3, 1948;

It is ordered, This 16th day of April 1948, that the hearing be, and it is hereby, continued to 10:00 a. m., Monday, May 3, 1948, and May 4, 1948, at Wilkes-Barre, Pennsylvania.

By the Commission.

[SEAL]

T. J. SLOWIE,
Secretary.

[F. R. Doc. 48-3663; Filed, Apr. 23, 1948;
8:50 a. m.]

[Docket No. 8326]

MACKEY RADIO AND TELEGRAPH CO., INC.,
AND RCA COMMUNICATIONS, INC.

ORDER POSTPONING HEARING

In the matter of Mackay Radio and Telegraph Company, Inc., and RCA Communications, Inc. Applications for modifications of licenses to authorize communication with Pakistan. Docket No. 8826.

The Commission, having under consideration a motion filed on April 12, 1948, by RCA Communications, Inc., requesting a postponement until September 20, 1948, of the hearing herein, now scheduled to begin May 3, 1948;

It appearing, that Mackay Radio and Telegraph Company, the other applicant herein, has no objection to the requested postponement;

It is ordered, This 15th day of April 1948, that the hearing herein now scheduled to commence on May 3, 1948, is postponed to September 20, 1948, at the same time and place as heretofore designated.

By the Commission.

[SEAL]

T. J. SLOWIE,
Secretary.

[F. R. Doc. 48-3663; Filed, Apr. 23, 1948;
8:50 a. m.]

[Docket No. 8375]

RADIO NEW ORLEANS, INC.

ORDER DESIGNATING APPLICATION FOR HEARING ON STATED ISSUES

In re application of Radio New Orleans, Inc., New Orleans, Louisiana, Docket No. 8875, File No. BP-5784; for construction permit.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 14th day of April 1948;

The Commission having under consideration the above-entitled application of Radio New Orleans, Inc. requesting the use of 1400 kc, with 250 w power, unlimited time at New Orleans, Louisiana;

It is ordered, That, pursuant to section 309 (a) of the Communications Act of 1934, as amended, the said application be, and it is hereby, designated for hearing at a time and place to be designated by subsequent order of the Commission, upon the following issues:

1. To determine the legal, technical, financial, and other qualifications of the applicant corporation, its officers, direc-

tors and stockholders to construct and operate the proposed station.

2. To determine the areas and populations, which may be expected to gain or lose primary service from the operation of the proposed station and the character of other broadcast service available to those areas and populations.

3. To determine the type and character of program service proposed to be rendered and whether it would meet the requirements of the populations and areas proposed to be served.

4. To determine whether the operation of the proposed station would involve objectionable interference with station WLCS, Baton Rouge, Louisiana or with any other existing broadcast stations and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

5. To determine whether the operation of the proposed station would involve objectionable interference with the services proposed in any other pending applications for broadcast facilities and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

6. To determine whether the installation and operation of the proposed station would be in compliance with the Commission's rules and Standard of Good Engineering Practice Concerning Standard Broadcast Stations, particularly with reference to the coverage of New Orleans and its metropolitan area.

It is further ordered, That, Air Waves, Inc., licensee of Station WLCS, Baton Rouge, Louisiana be, and it is hereby, made a party to the proceeding.

By the Commission.

[SEAL]

T. J. SLOWIE,
Secretary.

[F. R. Doc. 48-3662; Filed, Apr. 23, 1948;
8:49 a. m.]

[Docket No. 8910]

Mosby's, Inc. (KANA)

ORDER DESIGNATING APPLICATION FOR
HEARING ON STATED ISSUES

In re application of Mosby's, Incorporated (KANA), Anaconda, Montana, Docket No. 8910, File No. BP-6116; for construction permit.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 14th day of April 1948;

The Commission having under consideration the above-entitled application by Mosby's, Incorporated, requesting a construction permit to change the facilities of Station KANA, Anaconda, Montana, from a Class IV assignment on 1230 kc to 930 kc, with 5 kw power daytime and 2½ kw power at night, unlimited time, employing a directional antenna;

It is ordered, That, pursuant to section 309 (a) of the Communications Act of 1934, as amended, the said application be, and it is hereby, designated for hearing, at a time and place to be designated

by subsequent order of the Commission, upon the following issues:

1. To determine the technical and other qualifications of the applicant corporation, its officers, directors and stockholders to construct and operate Station KANA as proposed.

2. To determine the areas and populations which may be expected to gain or lose primary service from the operation of Station KANA as proposed and the character of other broadcast service available to those areas and populations.

3. To determine whether the operation of Station KANA as proposed would involve objectionable interference with any existing broadcast stations or the services proposed in any pending applications for broadcast facilities, and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

4. To determine whether authorization for operation with 2½ kw power at night, as proposed by the applicant, would serve the public interest, convenience or necessity.

5. To determine whether the installation and operation of Station KANA as proposed would be in compliance with the Commission's rules and Standards of Good Engineering Practice Concerning Standard Broadcast Stations.

By the Commission.

[SEAL]

T. J. SLOWIE,
Secretary.

[F. R. Doc. 48-3663; Filed, Apr. 23, 1948;
8:50 a. m.]

[Docket No. 8925]

RADIOMARINE CORP. OF AMERICA

ORDER DESIGNATING APPLICATION FOR
HEARING

In the matter of Radiomarine Corporation of America, New ship station charges in connection with ship telephone service to and from vessels on the Great Lakes. Docket No. 8925.

At a session of the Federal Communications Commission held at its offices in Washington, D. C. on the 14th day of April 1948;

It appearing, that on March 15, 1948, Radiomarine Corporation of America filed revised tariff schedules to become effective April 19, 1948, establishing new so-called ship station charges for the steamships North American and South American of the Chicago, Duluth and Georgian Bay Transit Company, in connection with ship telephone service to and from such vessels through Coastal Harbor Radiotelephone Station WBL of Radiomarine Corporation of America at Buffalo, New York, said tariff schedules being designated as follows:

RADIO CORPORATION OF AMERICA

Tariff FCC No. 8

Third Revised Title Page.
Fourth Revised Page 4.
Fifth Revised Page 11.
Fourth Revised Page 12.

It further appearing, that said revised tariff schedules may impose the new

"ship station" charges on ship telephone service furnished through the Coastal Harbor radiotelephone stations of Central Radio Telegraph Company, The Loraine County Radio Corporation, Illinois Bell Telephone Company and Michigan Bell Telephone Company in conflict with applicable tariffs of the aforementioned carriers setting forth through charges for such service;

It further appearing, that said revised tariff schedules will result in a substantial increase in charges to the public for ship telephone service, and may result in unjust and unreasonable charges, practices, classifications and regulations for and in connection with ship telephone service with vessels on the Great Lakes via Coastal Harbor radiotelephone stations of the above-mentioned carriers, in contravention of section 201 (b) of the Communications Act of 1934, as amended; that said revised tariff schedules may be otherwise unlawful under the Communications Act of 1934, as amended; and that the rights and interests of the public may otherwise be injuriously affected thereby; and it being the opinion of the Commission that the effective date of such tariff schedules, insofar as they result in new and increased charges for and in connection with ship telephone service with vessels on the Great Lakes, should be postponed pending hearing and decision on the lawfulness of such new charges or regulations and practices resulting in such new and increased charges;

It is ordered, That, pursuant to sections 204 and 205 of the Communications Act of 1934, as amended, the Commission, on its own motion and without formal pleading, shall enter upon a hearing concerning the lawfulness of the above-cited tariff schedules;

It is further ordered, That, pursuant to section 204 of the Communications Act of 1934, as amended, the operation of the above-cited tariff schedules is suspended until July 19, 1948, unless otherwise ordered by the Commission; and that during said period of suspension, no changes shall be made in said tariff schedules or in the tariff schedules sought to be altered thereby, unless authorized by special permission of the Commission;

It is further ordered, That, pursuant to sections 204, 205 and 403 of the Communications Act of 1934, as amended, an investigation is instituted into the lawfulness of the rates, charges, practices, classifications and regulations of the aforementioned carriers for and in connection with ship telephone service to and from vessels on the Great Lakes via Coastal Harbor radiotelephone stations;

It is further ordered, That without in any way limiting the scope of the investigation, it shall include inquiry into the following specific matters:

(1) The basis upon which the proposed new "ship station" charges were determined and the justification therefor;

(2) Probable effect of the proposed new and increased charges on public demand for the service;

(3) Whether the proposed new "ship station" charges are charges of Radiomarine Corporation of America or of the Chicago, Duluth, and Georgian Bay Transit Company and, if charges of the

Transit Company, whether such charges are proper since the ship is not the licensee of the ship radiotelephone station;

(4) Whether the proposed new "ship station" charges which may be applicable to ship telephone service furnished through radiotelephone stations of Central Radio Telegraph Company, The Loraine County Radio Corporation, Illinois Bell Telephone Company and Michigan Bell Telephone Company should be collected from the customer in addition to the through charges pushed by such carriers or should be paid by the carriers out of such through charges;

(5) Whether the revised tariff schedules herein suspended would result in any refund or remittance by any means or device of any portion of the charges for ship telephone service as specified in the applicable tariffs, or extend to any person any privileges or facilities in such communications, in contravention of section 203 (c) of the Communications Act of 1934, as amended; or would result in any rebate or offset against the regular charges for transmission of messages, in violation of section 503 of the act;

(6) Whether the revised tariff schedules herein suspended comply with section 203 (a) of the Communications Act of 1934, as amended, and §§ 61.131 and 61.132 and related sections of Part 61 of the Commission's rules regarding the publication of through charges;

(7) Nature of any present or proposed arrangements of Radiomarine Corporation of America, Central Radio Telegraph Company, The Loraine County Radio Corporation, Illinois Bell Telephone Company and Michigan Bell Telephone Company with companies operating vessels on the Great Lakes, applicable to the furnishing of ship telephone service to and from vessels on the Great Lakes;

It is further ordered, That in the event a decision as to the lawfulness of the charges and regulations herein suspended has not been made during the suspension period and said revised tariff schedules go into effect, Radiomarine Corporation of America shall, until further order of the Commission, keep account of all amounts charged, collected or received by reason of such "ship station" charges; that said carrier shall specify in such accounts by whom and in whose behalf such amounts are paid; and shall file with the Commission a report on or before the 10th day of each calendar month, commencing August 10, 1948, showing the amounts accounted for as aforesaid during the previous calendar month;

It is further ordered, That a copy of this order be filed in the offices of the Commission with said revised tariff schedules herein suspended; that Radiomarine Corporation of America, Central Radio Telegraph Company, The Loraine County Radio Corporation, Illinois Bell Telephone Company, Michigan Bell Telephone Company and the Chicago, Duluth and Georgian Bay Transit Company are made parties respondent to this proceeding; and that a copy hereof be served thereon;

It is further ordered, That this proceeding is assigned for hearing on the

17th day of May 1948, beginning at 10:00 a. m., at the offices of the Commission in Washington, D. C.

Notice is hereby given that § 1.857 of the Commission's rules and regulations is not applicable to this proceeding.

By the Commission.

[SEAL]

T. J. SLOWIE,
Secretary.

[F. R. Doc. 48-3672; Filed, Apr. 23, 1948;
8:51 a. m.]

FEDERAL POWER COMMISSION

[Docket No. G-1032]

DELAWARE POWER & LIGHT CO.

NOTICE OF APPLICATION

APRIL 20, 1948.

Notice is hereby given that on April 9, 1948, an application was filed with the Federal Power Commission by Delaware Power & Light Company (Applicant), a Delaware corporation with its principal place of business at Wilmington, Delaware, for an order pursuant to section 7 of the Natural Gas Act, as amended.

1. Authorizing the construction and operation of the following-described natural-gas pipeline facilities:

Approximately 10 miles of 12-inch natural-gas pipeline extending to the Wilmington, Delaware, plant of Applicant from a point of connection located on the intersection of Ridge Road at the Pennsylvania-Delaware State boundary with a 12-inch natural-gas pipeline extension proposed to be constructed by Philadelphia Electric Company to that point.

2. Authorizing the operation of the following-described existing facilities:

(a) The gas-transmission pipeline of Applicant extending to Elkton, Maryland, which facilities will be utilized for the transportation and sale of natural gas in interstate commerce to Elkton Gas Company.

(b) The gas-transmission pipeline of Applicant extending to the facilities operated by Chester County Light and Power Company near Kennett Square in Pennsylvania, which facilities of Applicant will be utilized for the transportation of natural gas in interstate commerce.

The application states that Applicant proposes to purchase natural gas¹ from Philadelphia Electric Company for distribution and sale in Wilmington, Delaware and vicinity, in lieu of the manufactured gas now supplied to Applicant's customers. In addition, Applicant also proposes to transport and sell at wholesale a portion of such natural gas purchased from Philadelphia Electric Company to Elkton Gas Company, Elkton, Maryland, to whom Applicant now sells manufactured gas. Applicant also states that it proposes to transport such natural gas from its Delaware State line connection with the facilities of Philadelphia Electric Company to the Chester County Light and Power Company for the account of Philadelphia Electric Company, which sells manufactured gas at present direct to said Chester County Company

¹ A mixture of natural and artificial gases.

through the facilities operated by Applicant. The application states that provision is made for continuous service to all communities now served by Applicant. Applicant states that the above-described construction is proposed for the purpose of assuring to Applicant a continuity in the supply of gas in case of a break-down in the existing pipeline connection between Applicant and Philadelphia Electric Company, as well as for the purpose of receiving additional quantities of gas for the estimated increased market demands.

The estimated over-all capital cost of the facilities proposed to be constructed is \$520,000. The application states that no definitive plan for financing has been determined, but Applicant states that funds will be furnished either from the cash resources of Applicant or from the proceeds of securities to be publicly sold.

Any interested State Commission is requested to notify the Federal Power Commission whether the application should be considered under the cooperative provisions of Rule 37 of the Commission's rules of practice and procedure (18 CFR 1.37) and, if so, to advise the Federal Power Commission as to the nature of its interest in the matter and whether it desires a conference, the creation of a board, or a joint or concurrent hearing, together with reasons for such a request.

The application of Delaware Power & Light Company is on file with the Commission and open to public inspection. Any person desiring to be heard or to make any protest with reference to the application shall file with the Federal Power Commission, Washington 25, D. C., not later than 15 days from the date of publication of this notice in the FEDERAL REGISTER, a petition to intervene or protest. Such petition or protest shall conform to the requirements of Rule 8 or 10, whichever is applicable, of the rules of practice and procedure (as amended on June 16, 1947) (18 CFR 1.8 or 1.10).

[SEAL]

LEON M. FUQUAY,
Secretary.

[F. R. Doc. 48-3646; Filed, Apr. 23, 1948;
8:45 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 70-1779]

MISSISSIPPI POWER CO.

ORDER PERMITTING DECLARATION TO
BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission held at its office in the city of Washington, D. C. on the 19th day of April 1948.

Mississippi Power Company ("Mississippi") a public utility subsidiary of The Southern Company, a registered holding company and a wholly-owned subsidiary of The Commonwealth & Southern Corporation, a registered holding company, having filed a declaration pursuant to sections 6 (a) and 7 of the Public Utility Holding Company Act of 1935, with respect to the following transaction:

Mississippi proposes to issue and sell an aggregate of \$1,000,000 principal amount of new First Mortgage Bonds, due 1978, bearing interest at the rate of 3½% per annum. The bonds, to be dated as of April 1, 1948, will be sold at private sale to institutional investors at 99½% of the principal amount and accrued interest to the date of delivery. The bonds are to be issued under and secured by Mississippi's present mortgage dated September 1, 1941, as supplemented by indentures dated September 24, 1946, August 1, 1947, and to be dated as of April 1, 1948. The proceeds from the sale of the new bonds will be used to provide a portion of the funds required for the construction or acquisition of permanent improvements, extension and additions to Mississippi's property or to reimburse its treasury in part for expenditures made for such purposes.

Said declaration having been filed on March 18, 1947, and notice of said filing having been duly given in the form and manner prescribed by Rule U-23 under said act, and the Commission not having received a request for hearing with respect to said declaration within the period specified in said notice, or otherwise, and not having ordered a hearing thereon; and

The Commission finding with respect to said declaration that the requirements of the applicable provisions of the act and the rules promulgated thereunder are satisfied and that no adverse findings are necessary and deeming it appropriate in the public interest and in the interests of investors and consumers to permit said declaration to become effective;

It is ordered, Pursuant to Rule U-23 and the applicable provisions of said act, and subject to the terms and conditions prescribed in Rule U-24, that said declaration be, and the same hereby is, permitted to become effective forthwith.

By the Commission.-

[SEAL]

ORVAL L. DuBois,
Secretary.

[F. R. Doc. 48-3648; Filed, Apr. 23, 1948;
8:46 a. m.]

[File No. 70-1809]

MINNEAPOLIS GAS LIGHT CO.,

NOTICE REGARDING FILING

At a regular session of the Securities and Exchange Commission held at its office in the city of Washington, D. C., on the 19th day of April A. D. 1948.

Notice is hereby given that a declaration has been filed with this Commission pursuant to the Public Utility Holding Company Act of 1935 by Minneapolis Gas Light Company ("Minneapolis") a public utility subsidiary of American Gas & Power Company ("American") a registered holding company. Declarant designates section 6 (a) of the act as applicable to the proposed transactions.

Notice is further given that any interested person may, not later than May 4, 1948 at 5:30 p. m., e. s. t., or e. d. s. t. if then in effect, request the Commission in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request and the is-

ssues, if any, of fact or law raised by said declaration proposed to be controverted, or may request that he be notified if the Commission should order a hearing thereon. At any time thereafter such declaration, as filed or as amended, may be permitted to become effective as provided in Rule U-23 of the rules and regulations promulgated pursuant to said act, or the Commission may exempt such transaction as provided in Rules U-20 (a) and U-100 thereof. Any such request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C.

All interested persons are referred to said declaration which is on file in the office of this Commission for a statement of the transactions therein proposed, which are summarized below:

Minneapolis proposes to borrow from banks located in Minneapolis, Minnesota, during the balance of the year 1948, the sum of \$2,200,000 on delivery of its promissory notes as follows:

Payable to	Dated	Due	Inter- est rate	Amount
Northwestern Na- tional Bank	6-1-48	6-1-49	2¼%	\$350,000
First National Bank	6-1-48	6-1-49	2¼%	350,000
Northwestern Na- tional Bank	8-1-48	8-1-49	2¼%	250,000
First National Bank	8-1-48	8-1-49	2¼%	250,000
Northwestern Na- tional Bank	10-1-48	10-1-49	2¼%	500,000
First National Bank	10-1-48	10-1-49	2¼%	500,000
Total				2,200,000

Under the banks' commitment, the company is to pay a commitment fee at the rate of ½ of 1% per annum on the unused portion of the loan, payable monthly commencing on May 1, 1948, and to agree that if it sells new securities (except to refund outstanding securities) or borrows any additional money, it will apply the proceeds therefrom to the payment of said notes and other indebtedness to the two banks.

Declarant proposes, pursuant to its agreement with the banks, to apply \$1,000,000 of proceeds from the proposed borrowings to repayment of four presently outstanding promissory notes each in the principal amount of \$250,000 two of which mature August 8, 1948, and two of which mature on October 2, 1948. Declarant states that the balance of the proceeds is to be used for financing its construction program, which is estimated at a minimum of \$1,925,000 for the year 1948.

The declarant states that, due to the pendency of the Plan of Simplification and Integration of Community Gas and Power Company, American Gas and Power Company, et al. under section 11 (e) of the act, it has been unable to permanently finance its construction expenditures during the past two years and, therefore, has and must continue to rely on short-term borrowings.

The said plan provides for the dissolution of Community Gas and Power Company, a registered holding company and parent company of American, and the merger of Minneapolis into American (which will then change its name to Minneapolis Gas Company) This

plan was approved by the Commission on April 10, 1946, and January 14, 1947 (Holding Company Act Release Nos. 6541 and 7131) and by the District Court of the United States for the District of Delaware by order entered on April 24, 1947. An appeal taken from the order of the District Court has been heard by the United States Circuit Court of Appeals for the Third Circuit, but decision thereon has not been rendered.

The declarant states that no state commission has jurisdiction over the proposed transaction and requests that the Commission's order herein become effective not later than June 1, 1948.

By the Commission.

[SEAL]

ORVAL L. DuBois,
Secretary.

[F. R. Doc. 48-3647; Filed, Apr. 23, 1948;
8:46 a. m.]

[File No. 70-1818]

CONSOLIDATED NATURAL GAS CO. ET AL.

NOTICE REGARDING FILING

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 19th day of April 1948.

In the matter of Consolidated Natural Gas Company, Hope Natural Gas Company, The Peoples Natural Gas Company, and New York State Natural Gas Corporation. File No. 70-1818.

Notice is hereby given that a joint application-declaration has been filed with this Commission, pursuant to the Public Utility Holding Company Act of 1935, by Consolidated Natural Gas Company ("Consolidated"), a registered holding company, and its subsidiaries, Hope Natural Gas Company ("Hope"), The Peoples Natural Gas Company ("Peoples") and New York State Natural Gas Corporation ("New York") Applicants-declarants have designated sections 6 (b) 9 (a) 10 and 12 (f) of the act and Rule U-43 promulgated thereunder as applicable to the proposed transaction.

Notice is further given that any interested person may, not later than April 26, 1948, at 5:30 p. m., e. s. t., request the Commission in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request and the issues, if any, of fact or law raised by said joint application-declaration proposed to be controverted or may request that he be notified if the Commission should order a hearing thereon. At any time after April 20, 1948, such joint application-declaration, as filed or as amended, may be granted and permitted to become effective as provided in Rule U-23 of the rules and regulations promulgated pursuant to said act. Any such request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C.

All interested persons are referred to said joint application-declaration which is on file in the office of this Commission for a statement of the transaction therein proposed, which is summarized below:

In order to finance their respective construction programs for the years 1948 and 1949, Hope, Peoples and New York propose to issue and sell to Consolidated, and Consolidated proposes to acquire for cash, during the years 1948 and 1949, additional shares of capital stock as follows:

Issuing company	Par value	Number of shares	Total consideration
Hope.....	\$100	100,000	\$10,000,000
Peoples.....	100	114,000	11,400,000
New York.....	100	23,000	2,300,000

The proposed issuance and sale of additional capital stock by Hope and Peoples have been approved by the Public Service Commission of West Virginia and the Pennsylvania Public Utility Commission, respectively. The proposed issuance and sale of additional capital stock by New York is not subject to the jurisdiction of any state, regulatory commission.

Applicants-declarants have requested the Commission to issue its order granting the application and permitting the declaration to become effective on or before April 26, 1948.

By the Commission.

[SEAL] ORVAL L. DuBOIS,
Secretary.

[F. R. Doc. 48-3649; Filed, Apr. 23, 1948;
8:46 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

AUTHORITY: 40 Stat. 411, 55 Stat. 839, Pub. Laws 322, 671, 79th Cong., 60 Stat. 50, 925; 50 U. S. C. and Supp. App. 1, 616, E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981.

[Vesting Order 10942]

EQUITABLE OFFICE BUILDING CORP.

In re: Equitable Office Building Corporation, Debtor; D-49-889; E. T. sec. 12573.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Gustav MacDonald, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany),

2. That the property described as follows: One hundred and eighty-four (184) shares of no par value common capital stock of Equitable Office Building Corporation, 120 Broadway, New York 5, New York, a corporation organized under the laws of the State of New York, evidenced by certificate number 20845, for 100 shares and certificate number 23498, for 84 shares, registered in the name of Gustav MacDonald, together with all declared and unpaid dividends thereon,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid

national of a designated enemy country (Germany),

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany)

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on March 29, 1948.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 48-3678; Filed, Apr. 23, 1948;
8:52 a. m.]

[Vesting Order 10361]

MITTELDEUTSCHE MONTANWERKE GESELLSCHAFT MIT BESCHRANKTER HAFTUNG

In re: Bonds, stock, coupons and a scrip certificate owned by and debt owing to Mitteldeutsche Montanwerke Gesellschaft Mit Beschränkter Haftung. F-28-425-A-3, F-28-425-D-1, F-28-425-D-2.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Mitteldeutsche Montanwerke Gesellschaft Mit Beschränkter Haftung, the last known address of which is Berlin, Germany, is a corporation, partnership, association or other business organization, organized under the laws of Germany, and which has or, since the effective date of Executive Order 8389, as amended, has had its principal place of business in Germany and is a national of a designated enemy country (Germany),

2. That the property described as follows:

a. Those certain bonds described in Exhibit A, attached hereto and by reference made a part hereof, and presently in the custody of The Chase National Bank of the City of New York, 18 Pine Street, New York, New York, in an account numbered F87715, entitled Mitteldeutsche Montanwerke Gesellschaft Mit Beschränkter Haftung, together with any and all rights thereunder and thereto,

b. Those certain shares of stock described in Exhibit B, attached hereto and by reference made a part hereof, registered in the names of the persons set forth in Exhibit B, presently in the custody of The Chase National Bank of the

City of New York, 18 Pine Street, New York, New York, in an account numbered F37715, entitled Mitteldeutsche Montanwerke Gesellschaft Mit Beschränkter Haftung, together with all declared and unpaid dividends thereon,

c. Those certain coupons described in Exhibit C, attached hereto and by reference made a part hereof, detached from bonds described in the aforesaid Exhibit C, which coupons are presently in the custody of The Chase National Bank of the City of New York, 18 Pine Street, New York, New York, in an account numbered F87715, entitled Mitteldeutsche Montanwerke Gesellschaft Mit Beschränkter Haftung, together with any and all rights thereunder and thereto,

d. One Scrip Certificate of the Blue Ridge Corp., 60 Broadway, New York 4, New York, a corporation organized under the laws of the State of Delaware, said Certificate numbered SB 3774 of the 1929 Series, registered in the name of Squire & Co., and presently in the custody of The Chase National Bank of the City of New York, 18 Pine Street, New York, New York, in an account numbered F37715, entitled Mitteldeutsche Montanwerke Gesellschaft Mit Beschränkter Haftung, together with any and all rights thereunder and thereto, and

e. That certain debt or other obligation owing to Mitteldeutsche Montanwerke Gesellschaft Mit Beschränkter Haftung, by The Chase National Bank of the City of New York, 18 Pine Street, New York, New York, arising out of a Custody Account, entitled Mitteldeutsche Montanwerke G. M. B. H., General Ruling No. 6, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany),

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on March 29, 1948.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Deputy Director,
Office of Alien Property.

NOTICES

EXHIBIT A

Description of issue	Face value	Certificate Nos.	Description of issue	Face value	Certificate Nos.
Agricultural Mortgage Bank of Colombia, 7% guaranteed 20 year sinking fund.	\$1,000.00	M 92.	German Government, international loan unstamped 5½% gold.	\$1,000.00	O 10233/34.
Free State of Bavaria, external 6½% sinking fund.....	1,000.00	M 8502/8.		1,000.00	O 39829.
	1,000.00	M 8914.		1,000.00	O 76860.
	1,000.00	M 8504.		1,000.00	O 77417.
	1,000.00	M 3753.		1,000.00	O 60743/45.
Chicago Rock Island & Pacific Ry., first and refunding 4%.	1,000.00	40645.	Missouri Pacific R. R. first and refunding mortgage 8% F.	1,000.00	M 32498/97.
Republic of Chile, external stamped sinking fund 6% gold.	1,000.00	44020.		1,000.00	M 61329.
German consolidated municipal loan sinking fund 7%.	1,000.00	M 5591.	Mortgage Bank of Chile, guaranteed stamped sinking fund 6% of 1929.	1,000.00	M 32400.
	1,000.00	M 5595.	National Family Stores Inc., convertible debenture 6½% 10 year sinking fund.	1,000.00	M 11160.
	1,000.00	968/978.		129.00	O 9-D 700.
	1,000.00	2656/57.	St. Louis-San Francisco Ry., prior A 4%-----	1,000.00	M 60.
	1,000.00	5783/90.		1,000.00	M 32/33.
	1,000.00	13042/43.	State of San Paulo, coffee realization loan 1930, 7%-----	1,000.00	Y 8727/29.
	1,000.00	10326/27.	State of San Paulo, external loan 25 year 8% sinking fund, gold.	1,000.00	D 213.
	1,000.00	7460.		1,000.00	M 7974.
	1,000.00	21024.	Siemens & Halske, debenture 20 year 6½%-----	1,000.00	M 6044.
German Government external loan 7% gold-----	1,000.00	C 002516.		1,000.00	M 10647.
	1,000.00	C 011152.		1,000.00	M 1487.
	1,000.00	C 011154.		1,000.00	M 11842.
	1,000.00	C 036595.		1,000.00	M 11801.
	1,000.00	C 053493/495.		1,000.00	M 16223/29.
	1,000.00	C 073150/152.		1,000.00	M 16963/64.
German Central Bank, agriculture first loan 7% gold..	1,000.00	M 4359.		1,000.00	M 18219/23.
	1,000.00	M 8021.		1,000.00	M 20959/60.
	1,000.00	M 17598.		1,000.00	M 23974.
	1,000.00	M 17598.		1,000.00	M 4113.
	1,000.00	M 18112.	United Steel Works Corp, mortgage A 25 year 6½%---	1,000.00	M 7857.
	1,000.00	M 19246/48.		1,000.00	M 11862.
	1,000.00	M 21078.		1,000.00	M 24231.
	1,000.00	M 18491.		1,000.00	M 21327.
German Government, international loan unstamped 5½% gold.	1,000.00	C 06608.			
	1,000.00	C 06608.			
	1,000.00	O 10231.			

¹ Each.

EXHIBIT B

Name and address of issuing corporation	State of incorporation	Certificate Nos.	Number of shares	Par value	Type of stock	Registered owner
Anaconda Copper Mining Co., 25 Broadway, New York 4, N. Y.	Montana-----	F 878904-----	50	\$50.00	Common-----	Egger & Co.
Baltimore & Ohio R. R. Co., B & O Bldg., Baltimore, Md....	Maryland-----	A 493788-----	4	100.00	do-----	Do.
		A 493794-----	1	100.00	do-----	Do.
Chicago, Milwaukee, St. Paul & Pacific R. R. Co., Union Station Bldg., Chicago, Ill.	Wisconsin-----	P 39373-----	100	100.00	\$5.00 noncumulative preferred-----	Do.
Chicago, Rock Island & Pacific Ry. Co., 139 Van Buren St., Chicago, Ill.	Illinois, Iowa-----	120035-----	4	100.00	Common-----	Do.
New York Shipbuilding Corp., Camden, N. J.	New York-----	X 011892-----	20	1.00	Participating capital-----	Do.
St. Louis-San Francisco Ry. Co., Frisco Bldg., St. Louis 1, Mo.	Missouri-----	AO 37636-----	9	100.00	6% noncumulative preferred-----	Do.
Hugo Stinnes Corp., 10 Light St., Baltimore, Md.	Maryland-----	NYO 9790-----	10	5.00	Capital-----	Leo Co.
United States Steel Corp., 71 Broadway, New York, N. Y.	New Jersey-----	P 27120-----	50	No par	Common-----	Egger & Co.

EXHIBIT C

Description of bond issue	Bond Nos.	Rate percent	Face value of coupons	Number of coupons
German government international loan unstamped-----	C 06608, 10231, 10233/4, 39829, 76860, 77417, 90743/5-----	5½	\$27.00	20
German government external loan gold-----	C 002516, 011152, 011154, 036595, 053493/95, 073150/52-----	7	35.00	40
State of San Paulo external loan 25 year sinking fund 8% gold-----	M 7974, 6644, 10547-----	8	40.00	27

¹ Each.

[F. R. Doc. 48-3679; Filed, Apr. 23, 1948; 8:52 a. m.]

[Vesting Order 11000]

Mrs. SUSANNA EGANOFF

In re: Stock owned by Mrs. Susanna Eganoff. F-28-22985-A-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Mrs. Susanna Eganoff, whose last known address is 78 Bahnhofstrasse, Seehausen, Weilheim/Bayern, Germany, is a resident of Germany and a national of a designated enemy country. (Germany)

2. That the property described as follows: Two thousand two hundred (2200) shares of \$25.00 par value common capital stock of Bibb Manufacturing Company, a corporation organized under the laws of the State of Georgia, evidenced by certificate numbered 4408, registered in the name of Susanna Eganoff, and

presently in the custody of Savannah Bank & Trust Company, Savannah, Georgia, together with all declared and unpaid dividends thereon, subject, however, to any and all lawful liens of the aforesaid Savannah Bank & Trust Company for custodian charges thereon,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany),

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany)

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on March 31, 1948.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 48-3630; Filed, Apr. 22, 1948; 8:48 a. m.]

[Vesting Order 11006]

ROY IITSUKA

In re: Stock owned by Roy Iitsuka. F-39-4618-A-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Roy Iitsuka, whose last known address is c/o Mizuno, 103 Oban-Cho Yotsuya-Ku, Tokio, Japan, is a resident of Japan and a national of a designated enemy country (Japan)

2. That the property described as follows:

a. Those certain shares of stock described in Exhibit A, attached hereto and by reference made a part hereof, registered in the name of Roy Iitsuka, together with all declared and unpaid dividends thereon, and

b. That certain debt or other obligation, evidenced by a check in the sum of \$3.00, issued by F. W. Woolworth Co., Woolworth Building, New York 7, New York, in payment of dividends on the stock of F. W. Woolworth Co. listed on the aforesaid Exhibit, and any and all rights to demand, enforce and collect the aforesaid debt or other obligation and any and all accruals thereto, together with any and all rights in, to and under, including particularly the right to possession and payment of, the aforesaid check,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Japan),

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan)

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on March 31, 1948.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Deputy Director,
Office of Alien Property.

EXHIBIT A

Corporation	Shares	Type	Date	Certificate No.
Associated Gas & Electric Co.	2	Class A.....	Dec. 23, 1932	H 6162183.
Buffalo Electric Furnace Corp.	.8	.....	Dec. 6, 1934	Temporary, 142.
Schoellkopf, Hutton & Pomeroy, Inc.	9	Common.....	Dec. 16, 1935	0447.
Standard Gas & Electric Co.	100	do.....	Apr. 10, 1933	NK 3361.
F. W. Woolworth Co.	2	Capital.....	Jan. 3, 1933	WT/F 42317.
Do.	4	do.....	Jan. 4, 1933	WT/F 42374.

[F. R. Doc. 48-3680; Filed, Apr. 23, 1948; 8:52 a. m.]

[Vesting Order 11010]

LISSETTE LEHMANN ET AL.

In re: Stock and trust certificate owned by Lisette Lehmann and others and bank accounts owned by Elsie Hollander and others. F-28-25814-E-1, F-28-26294-E-1, F-28-26208-E-1, F-28-25436-E-1, F-28-26054-E-1, F-28-23164-E-1, F-28-25513-E-1, F-28-25615-E-1, F-28-25579-E-1, D-28-10891-A-1, F-28-27491-E-1, F-28-28781-E-1, F-28-26202-E-1, F-28-26203-E-1, F-28-26211-E-1, F-28-26209-E-1, F-28-25779-E-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That the persons whose names and last known addresses are set forth as follows:

Name and Address

Elsie Hollander, Mengede, Germany.
Friederike Schmidt, Mengede, Germany.
Theodor Romer, Dortmund, Germany.
Helene Bruns, Essen-Ruhr, Germany.
Wilhelmine Raupach, Hamm, Germany.
Theodor Lenze, Castrop, Germany.
Anna Balzer, Nuremberg, Germany.

Elfriede Gerhard, Castrop-Rauxel, Germany.

Johanna Borgmann, Witten, r., Germany.
Berta Reinolt, Dortmund, Germany.
Arnold Reinolt, Dortmund, Germany.
Friedrich Romer, Cologne, Germany.
Friedrich Romer, Hamm, Germany.
Emil Romer, Hamm, Germany.
Marie Hennekemper, Hamm, Germany.
Lisette Lehmann, Mengede, Germany.
Heinrich Rumpf, Hamm, Germany.

are residents of Germany and nationals of a designated enemy country (Germany),

2. That the property described as follows:

a. Twenty (20) shares of stock of Barry County Oil and Gas Co. of Jenkins, Barry County, Missouri, evidenced by the certificates listed below and in the amounts appearing opposite each certificate number:

Certificate No..	Amount
464.....	5
495.....	5
585.....	10

said certificates registered in the name of Henry Reinold, and presently in the custody of Fritz Haller, Attorney, 814

Hammond Building, Detroit 26, Michigan, together with all declared and unpaid dividends thereon, and

b. Trust Certificate of the Mount Clemens Savings Bank, Mount Clemens, Michigan, evidencing the balance of a Savings Account, account number 21037, said certificate numbered 3044, registered in the name of H. Reinholdt, Est. and presently in the custody of Fritz Haller, Attorney, 814 Hammond Building, Detroit 26, Michigan, together with any and all rights in, to and under, including particularly the right to possession of the aforesaid Trust Certificate, and any and all rights to receive any payments due or to become due,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Elsie Hollander, Friederike Schmidt, Theodor Romer, Helene Bruns, Wilhelmine Raupach, Theodor Lenze, Anna Balzer, Elfriede Gerhard, Johanna Borgmann, Berta Reinolt, Arnold Reinolt, Friedrich Romer, Friedrich Romer, Marie Hennekemper, Lisette Lehmann, Emil Romer and Heinrich Rumpf, the aforesaid nationals of a designated enemy country (Germany)

3. That the property described as follows: Those certain debts or other obligations owed to the persons whose names are set forth in Exhibit A attached hereto and by reference made a part hereof, by the Commonwealth Bank, Detroit, Michigan, arising out of commercial accounts numbered and entitled as set forth in the aforesaid Exhibit A, opposite the names of the owners thereof, said accounts maintained at the aforesaid Bank, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Elsie Hollander, Friederike Schmidt, Theodor Romer, Helene Bruns, Wilhelmine Raupach, Theodor Lenze, Anna Balzer, Elfriede Gerhard, Johanna Borgmann, Friedrich Romer, Arnold Reinolt, Berta Reinolt, Emil Romer, Friedrich Romer and Marie Hennekemper, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

4. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have

the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on March 31, 1948.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Deputy Director
Office of Alien Property.

EXHIBIT A

Name of national	Title of account	Number of account
Elsie Hollander	Elsie Hollander	C11-880
Friederike Schmidt	Friederike Schmidt	C11-881
Theodor Romer	Theodor Romer	C11-882
Helene Bruns	Helene Bruns	C11-885
Wilhelmine Raupach	Wilhelmine Raupach	C11-886
Theodor Lenze	Theodor Lenze	C11-887
Anna Balzer	Anna Balzer	C11-890
Elfriede Gerhard	Elfriede Gerhard	C11-891
Johanna Borgmann	Johanna Borgmann	C11-893
Friedrich Romer	Friedrich Romer	C11-884
Arnold Reinolt	Arnold Reinolt	C11-895
Berta Reinolt	Berta Reinolt	C11-894
Emil Romer	Emil Romer	C11-883
Friedrich Romer	Friedrich Romer	C11-883
Marie Hennekemper	Marie Hennekemper	C11-887

[F. R. Doc. 48-3681; Filed, Apr. 23, 1948;
8:53 a. m.]

[Vesting Order 11039]

KIYOSHI NAKANDAKARI ET AL.

In re: Debts owing to Kiyoshi Nakandakari, also known as K. Nakandakari, and others. F-39-5564-E-1, F-39-5554-E-1, F-39-5585-E-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Kiyoshi Nakandakari, also known as K. Nakandakari; Kagenobu Kojima, also known as K. Kojima; and Kinejiro Tsukada, also known as Koshijima Tsukada and as K. Tsukada, who there is reasonable cause to believe are residents of Japan, are nationals of a designated enemy country (Japan),

2. That the property described as follows: Those certain debts or other obligations of The Yokohama Specie Bank, Ltd., Los Angeles Office, Los Angeles, California, and/or Superintendent of Banks of the State of California and Liquidator of The Yokohama Specie Bank, Ltd., Los Angeles Office, c/o State Banking Department, 111 Sutter Street, San Francisco, California, arising out of temporary receipts accounts entitled K. Nakandakari, K. Kojima and K. Tsukada, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by the aforesaid nationals of a designated enemy country (Japan),

and it is hereby determined:

3. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the

national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Japan)

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on April 5, 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 48-3631; Filed, Apr. 22, 1948;
8:48 a. m.]

[Vesting Order 11052]

EMMA EGGERS

In re: Estate of Emma Eggers, deceased. File D-28-12244, E. T. sec. 16471.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Wilhelmine Auls and Tilly Wilhelm, also known as Mathilda Wilhelm, whose last known addresses are Germany, are residents of Germany and nationals of a designated enemy country (Germany)

2. That all right, title, interest and claim of any kind or character whatsoever of the persons named in subparagraph 1 hereof in and to the Estate of Emma Eggers, deceased, is property payable or deliverable to, or claimed by, the aforesaid nationals of a designated enemy country (Germany)

3. That such property is in the process of administration by Amalia Helzel, as Executrix, acting under the judicial supervision of the Orphans' Court of Allegheny County, Pennsylvania;

and it is hereby determined:

4. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany)

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or other-

wise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on April 9, 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 48-3682; Filed, Apr. 23, 1948;
8:53 a. m.]

[Vesting Order 11053]

JORDAN BROSCHKO

In re: Estate of Jordan Broschko, deceased. File D-28-2169; E. T. sec. 2836.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Anton Broschko, Marie Fink and Marie (Maria) Broschko, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany),

2. That Children, names unknown, of Marie Fink and Children, names unknown, of Marie Broschko, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany);

3. That all right, title, interest and claim of any kind or character whatsoever of the persons identified in subparagraphs 1 and 2 hereof, and each of them, in and to the estate of Jordan Broschko, deceased, is property payable or deliverable to, or claimed by the aforesaid nationals of a designated enemy country (Germany),

4. That such property is in the process of administration by Otto J. Elsengruber, as executor, acting under the judicial supervision of the Probate Court for the County of Huron, Bad Axe, Michigan;

and it is hereby determined:

5. That to the extent that the persons named in subparagraph 1 hereof and children, names unknown, of Marie Fink and children, names unknown, of Marie Broschko, are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany)

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on April 9, 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 48-3683; Filed, Apr. 23, 1948;
8:53 a. m.]

[Vesting Order 11058]

JOHN P. MONKS

In re: Trust under declaration of John P. Monks, dated December 8, 1939. File D-28-12213 G-1, E. T. sec. 16433.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Eberhard Hempel and Elizabeth Hempel, whose last known addresses are Germany, are residents of Germany and nationals of a designated enemy country (Germany)

2. That all right, title, interest and claim of any kind or character whatsoever of the persons named in subparagraph 1 hereof, in and to and arising out of or under that certain declaration of trust of John P. Monks, dated December 8, 1939, presently being administered by George Gardner Monks, Wardman Park Hotel, 2660 Woodley Road NW., Washington, D. C., as successor trustee, is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Germany),

and it is hereby determined:

3. That to the extent that the persons identified in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany)

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on April 9, 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 48-3684; Filed, Apr. 23, 1948;
8:53 a. m.]

[Dissolution Order 75]

AMERICAN M. A. N. CORP.

Whereas, by Vesting Order Number 4849, dated April 18, 1945 (10 F. R. 7269), there were vested all the issued and outstanding shares of the capital stock of American M. A. N. Corporation, a New York corporation, and by said vesting order there were undertaken the direction, management, supervision and control of said American M. A. N. Corporation; and

Whereas, by Vesting Order Number 10391, dated December 19, 1947 (13 F. R. 225) there were vested certain debts or other obligations owed by American M. A. N. Corporation to Maschinenfabrik Augsburg-Nürnberg A. G., Nürnberg, Germany, and it has been determined that debts in the amounts of \$254.00 and \$4,460.51 respectively, together with any and all accruals thereto, were thereby vested; and

Whereas, American M. A. N. Corporation has been substantially liquidated;

Now, under the authority of the Trading With the Enemy Act, as amended, and Executive Orders 9095, as amended, and 9788, and pursuant to law, the undersigned, after investigation:

1. Finding that the claims of all known creditors have been paid, except such claim, if any, as the Attorney General of the United States may have for money advanced or services rendered to or on behalf of the corporation; and except the claim formerly owned by Maschinenfabrik Augsburg-Nürnberg A. G., Nürnberg, Germany, which has been vested as aforesaid; and

2. Having determined that it is in the national interest of the United States that said corporation be dissolved, and that its assets be distributed, and a Certificate of Dissolution having been issued by the Secretary of State of the State of New York;

hereby orders, that the officers and directors of American M. A. N. Corporation (to wit, M. S. Watts, President and Director, Robert Kramer, Secretary and Director, and L. M. Reed, Treasurer and Director, and their successors, or any of them) continue the proceedings for the Dissolution of American M. A. N. Corporation; and further orders, that the said officers and directors wind up the

affairs of the corporation and distribute the assets thereof coming into their possession as follows:

(a) They shall first pay the current expenses and reasonable and necessary charges of winding up the affairs of said corporation and the dissolution thereof; and

(b) They shall then pay all known Federal, State and local taxes and fees owed by or accruing against the said corporation; and

(c) They shall then pay over, transfer, assign and deliver to the Attorney General of the United States all of the funds and property, if any, remaining in their hands after the payments as aforesaid, the same to be applied, first, in satisfaction of the above-described vested debt formerly owed to Maschinenfabrik Augsburg-Nürnberg A. G., Nürnberg, Germany, second, in satisfaction of such claim, if any, as he may have for monies advanced or services rendered to or on behalf of the corporation, and third, as a liquidating distribution of assets to the Attorney General of the United States as holder of all the issued and outstanding stock of the corporation; and

further orders, that nothing herein set forth shall be construed as prejudicing the right, under the Trading With the Enemy Act, as amended, of any person who may have a claim against said corporation to file such claim with the Attorney General of the United States against any funds or property received by the Attorney General of the United States hereunder; *Provided, however*, That nothing herein contained shall be construed as creating additional rights in such person; *Provided, further*, That any such claim against said corporation shall be filed with or presented to the Attorney General of the United States within the time and in the form and manner prescribed for such claims by the Trading With the Enemy Act, as amended, and applicable regulations and orders issued pursuant thereto; and further orders, that all actions taken and acts done by the said officers and directors of American M. A. N. Corporation pursuant to this order and the directions contained herein shall be deemed to have been taken and done in reliance on and pursuant to paragraph numbered (2) of subdivision (b) of section 5 of the Trading With the Enemy Act, as amended, and the acquittance and exculpation provided therein.

Executed at Washington, D. C., this 21st day of April 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 48-3635; Filed, Apr. 23, 1948;
8:53 a. m.]

